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'UMAR THE GREAT

(THE SECOND CALIPH OF ISLAM)

Vol. II

591

BY

Shams-u'l-'Ulamā 'Allāmah Shiblī Nu'mānī

TRANSLATED BY

Muhammad Saleem, M.A.



SHAIKH MUHAMMAD ASHRAF
KASHMIRI BAZAR - LAHORE (Pakistan)



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CONTENTS

PAGE

<i>Author's Preface</i>	v
CHAPTER I	
A Review of the Conquests	1
CHAPTER II	
The Constitution of the State	13
CHAPTER III	
Administrative Divisions	24
CHAPTER IV	
The Revenue Department	44
CHAPTER V	
The Department of Justice	65
CHAPTER VI	
The Institution of Jurisconsults	77
CHAPTER VII	
The Departments of Crime and Police	79
CHAPTER VIII	
The Public Treasury	81
CHAPTER IX	
The Public Works Department	85
CHAPTER X	
The Founding of Cities	92
CHAPTER XI	
The Army	102
CHAPTER XII	
Education and the Department of Religion	131

	PAGE
CHAPTER XIII	
Miscellaneous Actions	159
CHAPTER XIV	
Rights of the Dhimmis	165
CHAPTER XV	
Checks on Slavery	189
CHAPTER XVI	
Statesmanship and Justice	199
CHAPTER XVII	
Imamat and Ijtihad	235
CHAPTER XVIII	
Personal Habits and Manners	298
CHAPTER XIX	
His Family	345
Conclusion	350

CHAPTER I

A REVIEW OF THE CONQUESTS

IN THE first volume you have read the details of the conquests of 'Umar the Great, which must have impressed you deeply with the enthusiasm, courage, resolution and steadfastness of the Muslims of that age. But perhaps you became so engrossed in listening to that wonderful story of the ancients that it did not strike you to weigh the events in the scales of philosophic history.

But the thoughtful student of history will at once be led to ask himself how it was that a handful of desert-dwellers overthrew the might of Iran and Byzantium. Was it a unique event in the world's history? What were its causes? Can these events not be likened to the conquests of Alexander and Changiz Khān? What share did the Caliph himself have in these achievements? We propose to answer these questions here; but before we do so, it seems necessary to tell briefly the extent and geographical layout of 'Umar's conquests.

Extent of the Conquests

The total area of the countries conquered by the Great Caliph was 2,251,030 square miles, extending from Makkah 1,036 miles to the north, 1,087 miles to the east and 483 miles to the south. In the west

the country extended only up to Jeddah and may, therefore, be ignored.

These vast territories comprised the countries of Syria, Egypt, Khozistan, both the Iraqs (Arab and Persian), Armenia, Ādharbaijān, Fārs, Kirman, Khurāsān and Makrān including parts of Baluchistan as well. Asia Minor, called Rām by the Arabs, was invaded in 20 A.H., but it cannot be reckoned as a conquest. All of these conquests were made in the reign of 'Umar in a little over ten years.

*Causes of the Conquests according to Western
Historians*

Western historians account for these rapid and vast conquests by the fact that both the Eastern Roman Empire and the Empire of the Chosroes were at that time in decay. In Persia, government had fallen into confusion on the death of Parvez for want of a capable successor. Owing to the intrigues and conspiracies of the courtiers and leading men of the state, changes for the throne became frequent, so that in three or four years six or seven emperors ascended the throne and vanished. Another cause which contributed to the rapid subjugation of Persia was the sect of Mazdak. Inclined to heresy and atheism, as it was, the sect had become very powerful before the time of Anūsharwan who tried to suppress it by the sword, but failed to exterminate it completely. When the Muslims came to Persia, the followers of this sect

welcomed them as their protectors, as the Muslims did not interfere with the religious beliefs or practices of others. The Christian sect of Nestorians, too, whom no state gave protection, found themselves safe from the persecutions of their fellow-Christians under the Muslim government. The Muslims thus easily won the sympathy and goodwill of two big sects.

The Eastern Roman Empire, too, had become weak. The mutual dissensions and disputes among the various sects of Christianity were at their height at the time, and as the Church had considerable influence in the state, these disputes went far beyond the bounds of religious controversy and contributed in no small measure to undermining the state itself.

Delusive Arguments of Western Historians

This explanation, though not quite unfounded, owes itself not so much to facts as to the delusive manner of argument peculiar to Western historians. No doubt, the two empires were no longer in the heyday of their power, but this only means that they were not strong enough to resist a powerful state. It does not mean that an ill-equipped people like the Arabs could have blown them to pieces. Whatever their internal conditions, Persians and Byzantians were both well versed in the art of war. Books compiled in Greece on the strategy of war, which are still extant, remained the Military Manuals of the Romans for a long time. Besides,

they had at their disposal an abundance of stores and provisions, a plentiful variety of weapons of war and numerous armies. What is more, it was not a matter of invasion of foreign land. They had only to defend their country from within their own forts and bases. Only a few years before the Muslim invasion, when Persia under Khusrau Parvez was at the height of her glory and power, the Emperor of the East invaded that country, scored victories upon victories in rapid succession right up to Ispahan, recovered Syria which the Persians had captured a few years earlier, and gave the empire a new and vigorous administration.

It is certain that Persia under Parvez was a mighty empire, and between his death and the Muslim invasion intervene only three or four years. A great nation and an ancient empire could not have become so very weak in such a short time. No doubt, changes of rulers, in quick succession, had affected the administration, yet the pillars of the state, namely, the treasury, the army and the revenue, remained as sound as before and had suffered no shrinkage, so that when Yezdgird ascended the throne and his ministers gave heed to the improvement of the administration, the same old power and prosperity returned in no time. Mazdakites were doubtless there, but we find no mention in history of their having been of any assistance to the Muslim invaders, nor do we know of the Nestorians having been helpful to them.

On which particular occasion the differences of Christian sects helped the invaders is also not mentioned by any European historian.

The condition of the Arabs, on the other hand, was quite different. The whole of the Arab forces which were fighting in Persia, Egypt and Syria amounted collectively to less than a hundred thousand. Their acquaintance with the science of war was but meagre, so much so that the battle of Yarmūk was the first action in which the Arab army was properly organized. The helmet, the visor, the breast-plate, the coat-of-mail, steel gauntlets and shin-guards were the necessary equipment of every Persian soldier.¹ Of these the Arabs possessed only the coat which, however, was often of leather. Their stirrups were of wood instead of metal. Of the weapons of war, the Arabs had no knowledge of the noose and the mace. They used arrows, but these were small and of inferior quality. When the Persians saw them in the battle of Qādisiyah, they thought they were pins of the spinning-wheel.

The Real Causes of the Conquests

In our opinion the real cause of the Muslim triumph was the enthusiasm, resolution, steadfastness, courage and daring which the Holy Founder of Islam had instilled in them and which 'Umar had

1. Ibn Qutaibah says in *Akhbār-u'l-Tiwāl* that every soldier had to wear this armour.

further sharpened and fortified. These were the weapons which the Eastern Empire and Persia could not have withstood even at the height of their power. To these were added some other virtues which proved helpful in establishing and stabilizing the government, though not in conquering the lands. The foremost of these virtues was the honesty and fairness of the Muslims. When a country was conquered, its people were so impressed by the conquerors' excellence of conduct and treatment that, in spite of the difference of religion, the conquered did not wish ill to their new rulers. When the Muslims had to evacuate several districts of Syria before the battle of Yarmūk, their Christian subjects prayed to God to bring them back, and the Jews with the Torah in their hands declared that the Cæsar would not venture to return while the breath of life was in them.

Roman rule in Syria and Egypt was oppressive and tyrannical, so that the Roman defence against the Muslim invasion depended wholly upon the government and the army without any support from their subjects. When the army was once defeated, the coast became clear and the peoples themselves offered no resistance. In Persia the situation was different. In that country there were feudal lords and grandees of the state exercising dominion over districts and provinces who fought not in defence of the empire but to keep their own power and territories intact. That was why the Muslims had

to meet resistance at every step even after the central government had been vanquished. But the common masses, even of Persia, were easily won over by the Muslims' generosity and fairness of treatment and were of much help in stabilizing the new government after the country had been conquered.

Another vital factor that contributed to the Arab conquest was the fact that the Muslim invasion was directed at first against Iraq and Syria, both of which had large Arab elements in their populations. The Ghassanid ruler of Damascus was an Arab owing only nominal allegiance to the Emperor of the East, while the Lakhmids of Iraq were the real rulers of the country, though they paid a small tribute to the Chosroes of Persia. These Arab elements, being Christians at the time, offered some resistance in the beginning, but the consciousness of racial unity soon began to tell. The leading men of Iraq embraced Islam before long and joined hands with the Muslims. Large numbers of Syrian Arabs also accepted Islam and became free from the Roman yoke.

*Comparison with the Conquests of Alexander,
and Others*

It is irrelevant to mention Alexander, Changiz Khān and other conquerors in this connection, for there is no comparison between their conquests and those of the Muslims. No doubt, these leaders conquered vast lands, but what was the manner of their

conquests? The name of Changiz has become a by-word for bloodthirstiness and ruthless butcheries on a large scale. Alexander, too, when he conquered Taurus in Syria, ordered a general massacre as the people had offered determined resistance, had the heads of one thousand citizens hung on the city walls, sold thirty thousand of them into slavery, and spared none of those who had given proof of courage and fought for their independence. Similarly, when he conquered Iṣṭakhar (Persepolis) in Persia, he put all its male inhabitants to the sword. Many other acts of similar cruelty are recorded of him.

It is well known that cruelty and oppression ruin the state and tyranny does not last, nor did the empires of Alexander and Changiz endure for long. But for rapid conquests such barbarities prove helpful. The country is cowed down; a large part of the inhabitants perish, and no fear remains of rebellion and disorder. So we find that great conquerors like Changiz, Nebuchadnazzar, Tīmūr and Nādir were also very bloodthirsty.

In the conquests of 'Umar, on the other hand, not the slightest departure from justice and fairness was permitted. Let alone the killing of men, even the cutting of fruit trees was forbidden. Women, children and the aged were not interfered with, and excepting the actual field of battle no man was killed. No agreements were broken with the enemy nor was any deception practised upon them, and stern

orders were issued to the commanders to the effect that “if the enemy offers battle, do not practise deception upon him, nor mutilate any nor kill any child.”¹

When a people, after making submission, rose in revolt, they were forgiven on swearing allegiance again. The people of ‘Arbasūs thrice tendered allegiance and thrice rose in revolt. The uttermost punishment awarded to them was that they were exiled from the place, but the price of their properties was paid to them. When the Jews of Khaibar were exiled for conspiracy and insurrection, they were similarly indemnified for the loss of their lands, and officers of districts and provinces were instructed that through whichever territory they passed, necessary assistance should be given to them, and if they stopped at any place, no *Jiziyah* should be charged of them for a year.

Those who desire to minimize the splendour of ‘Umar’s conquests by mentioning other great conquerors along with him should show whether any ruler or leader of men ever conquered even an inch of territory under those restrictions of scrupulous justice, humanity and forbearance, which the Muslims had imposed upon themselves of their own accord.

Also, Alexander, Changiz and others were always present at the battles they fought as supreme

1. *Kitāb-u’l-Kharāj*, p. 120.

commanders of their armies, who, besides having the benefit of the leadership of first-rate commanders, were encouraged by the presence of their rulers in their midst and fought with ever greater zeal and devotion. 'Umar, on the other hand, never for once throughout his Caliphate took part in any battle. The armies were engaged on many fronts, though the reins of command rested all the time in his hands.

Another apparent difference between 'Umar the Great, on the one hand, and Alexander and others, on the other, is that the conquests of the latter proved transitory and short-lived, like a cloud that bursts and passes away. They never established any stable government in the countries they had conquered. 'Umar's conquests, on the other hand, proved so enduring that the countries he conquered remain Muslim possessions across thirteen centuries to this day, and stable administrations were established in those lands in his own lifetime.

'Umar's Particular Part in the Conquests

As to the Caliph's own share in those conquests, the prevalent feeling seems to be that the enthusiasm, resolution and spirit of sacrifice common to the Muslims of that age were in themselves sufficient factors in their achievements, in which the Caliph himself had no great part to play. We beg to differ. The resolution, enthusiasm and spirit of sacrifice of the Muslims were the same in the reigns of 'Uthman

and 'Alī as they had been before, but what were the achievements? Enthusiasm and spirit of sacrifice are without doubt very great forces, but they manifest themselves in constructive work and achievement only when a strong man is there to put them to right uses. Theoretical reasoning is irrelevant; facts and events are eloquent enough. It is obvious from the detailed accounts of those conquests that the whole army moved from front to front and disposition to disposition to the dictation of 'Umar, and the whole administration and organization of the army was a creation of his genius and thought.

As we shall see later in greater detail, the organization and administration of the army, parades, layout and construction of barracks, care of horses, security of forts, coordination of invasions with reference to the seasons, movements of forces, intelligence and courier services, selection of officers, siege weapons and other things of like nature were introduced and managed and maintained with efficiency by 'Umar himself. By studying these details one can judge for oneself that none but the mastermind of 'Umar could have controlled and employed this mighty machine to purpose.

The Caliph was in reality his own generalissimo in the conquest of Iraq. When the army left Madīnah, he fixed the stages and determined the route by which it was to march, and necessary instructions were continually despatched from the capital. When the army approached Qādisiyah, he

had maps of the terrain sent for and ordered the dispositions of the forces accordingly. The officers selected for various tasks were appointed by him. As one reads Ṭabarī's detailed account of the war in Iraq, one feels as if a great general standing at a distance behind the lines is leading his army to the attack and determines all its movements. In the wars which took place in the course of ten years the most hazardous were two actions, namely, the one at Nihāwand where the Persians, by means of a fiery call in the provinces, had collected a force of many lakhs for the purpose of attacking the Muslims, and the other when the Roman Emperor advanced upon Hims with the aid of the people of Upper Mesopotamia. On both occasions it was the strategy of 'Umar which rolled back the rising storm on the one side and, on the other, blew a mighty army to pieces.

These events have been narrated at length in the first volume and prove beyond doubt that 'Umar had no equal as a conqueror in the whole known history of mankind.

CHAPTER II

THE CONSTITUTION OF THE STATE

THOUGH the Caliphate was founded in the time of Abū Bakr, administrative development started with the accession of 'Umar. Many vital problems were no doubt settled in the two-year Caliphate of Abū Bakr. The "Apostates" were exterminated and invasions abroad commenced, but no special constitutional forms were yet established, nor was the brief period of his reign sufficient for such evolution. While on the one hand he carried his conquering arms so far afield that the whole empire of the Chosroes and great provinces of the Eastern Roman Empire were annexed to the Muslim state, on the other hand, 'Umar established a complete network of civil administration and brought it to such a high state of development that most of the major administrative departments of the state had come into existence before he died.

But before we come to discuss the details of constitution and laws of his government, it is necessary to determine whether the nature of the state was autocratic or democratic. The Arab civilization had not yet reached the stage where this could be decided but it is enough here to find out whether the methods of his government resembled those of an autocracy or a democracy, that is, whether the state

tended to depend upon the personal authority of the Caliph or upon public opinion.

Democracy and Autocracy Contrasted

The principal distinction between a democracy and an autocracy is whether or not the public has a right to interfere in the government. The greater the right or opportunity the public has to interfere, the more democratic will the government be considered to be, and the ultimate end of a democratic state is that the personal authority and prerogatives of the head of the state should completely vanish and he should count no more than as a member of the executive body. In an autocracy, on the contrary, the whole administration of the state depends upon the personal will of one man. That being so, the following consequences follow inevitably from an autocracy :

1. The affairs of the state, instead of employing the talents of all capable persons, are determined by the wisdom and statesmanship of only a few executives.

2. As nobody has any concern with the affairs of the state with the exception of a few officials, administrative talents gradually disappear from the majority of the people.

3. Special rights and interests of different groups and communities remain unprotected, for those interested in the safeguarding of those rights possess no influence in the state administration, while those

who have the influence can have no such sympathies with the rights of others as the latter themselves would have.

4. As nobody with the exception of a few state officials has any right to interfere in the affairs of the nation and the country, the spirit of public service gradually vanishes from among the people and selfish interests become the only motives of life.

These are the necessary consequences of autocratic rule and are its unavoidable concomitants, whereas democracy tends to create exactly opposite results. Therefore the question whether a state is autocratic or democratic can also be decided by reference to its consequences.

It is not enough to contend that, democracy being in keeping with the Arab character, any state established in Arabia must of necessity have been democratic. Three big kingdoms, namely the Lakhmid, the Himyarite and the Ghassanid, had existed in Arabia from remote past and were all of them autocratic. Tribal heads were no doubt elected on democratic principles, but they had no powers of government and their position was no more than that of army commanders or judges. The Caliphate of Abū Bakr left the matter undecided; for, though his election took place by the will of the majority, it was after all a sudden decision, as 'Umar himself explained,¹ "Let no one fabricate the lie that Abū Bakr's election was a mere accident

1. *Sahih Bukhari* (Ahmadi Press, Meerut), 2nd. edn., p. 1009.

and has ended. Though it was sudden, God safeguarded us against its unsafe implications."

None of the states around 'Umar was democratic. Persia had never evinced any talent for democracy. Rome had had this distinction in ancient times, but democracy had vanished from the Roman world long before the age of 'Umar and had given place in his day to a pure despotism. Without having any pattern or example before him, 'Umar yet laid the foundations of a democratic state, and though, owing to the peculiar conditions of the age, the principle could not be developed in all its aspects and implications, the pre-requisites essential to a democratic form of government were brought into being.

Consultative Assembly during 'Umar's Caliphate

The most vital and fundamental of them was the establishment of a Consultative Assembly. Whenever an important question came up for decision, the Consultative Assembly was called, and no question was decided without free debate and without the consent of the majority. The whole body politic of Islam was divided at the time into two groups, namely, the Muhajirin and the Anṣar. They were the leaders of the people, and the whole of Arabia looked upon them as their representatives.

Members of the Assembly and How it was Convened

Members of both the groups necessarily always took part in the deliberations of the Assembly.

The Anṣār consisted of two tribal groups, the Aus and the Khazraj, and it was considered essential that members of both the groups should be present in the Assembly meetings. We are not in a position to give the names of all the members of the Assembly. We know, however, that 'Uthmān, 'Alī, 'Abd-u'r-Raḥmān b. 'Auf, Mu'adh b. Jabal, Ubayy b. Ka'b and Zaid b. Thābit were included.¹ The Assembly was called in the following manner: A public crier went out in the capital calling the people to prayers. When the people had collected, 'Umar would enter the Prophet's Mosque and say two *rak'ats* of prayer with them. He would then ascend the pulpit and address the congregation on the matter in hand.²

Meetings of the Assembly

In ordinary matters of daily occurrence, decisions of this congregation were considered sufficient. But for deciding matters of unusual importance a general assembly of the Muhājirīn and Anṣār was convened. For instance, when on the conquest of Syria and Iraq some Companions of the Holy Prophet insisted that the conquered lands should be divided up among the army and given away to them as their private estates, a large assembly was held comprising, besides the commonalty of all old Muhājirīn and Anṣār, ten leading men, five from

1. *Kunz-u'l-'Ummāl* quoted in *Ṭabaqāt of Ibn Sa'd* (Hyderabad edn.), Vol. III, p. 134.

2. *Tabarī; Tārīkh*, p. 2574.

among the Aus and five from the Khazraj, who commanded high esteem in the whole nation. The assembly sat for several days, and men spoke with the uttermost freedom and without fear. We quote here a few sentences from the speech which 'Umar made on this occasion, as they enable one to understand the nature of the Caliph's office and make an estimate of his powers and prerogatives. He said: "I have given you the trouble to assemble here in order that you might participate in the burdens put upon me in respect of the state, for I am only one from among yourselves, and I do not desire that you should follow my wishes."¹

In 21 A.H., on the occasion of the battle of Nihawand when the Persians had made such vast preparations that the people at Madīnah thought it was necessary for the Caliph to lead the expedition in person, a large consultative assembly was held, at which 'Uthmān, Ṭalḥa b. 'Abd-u'llah, Zubair b. al-'Awam, 'Abd-u'r-Raḥmān b. 'Auf and others made speeches. They were of opinion that the Caliph should not go in person. 'Alī was also of the same opinion, and it was finally decided by the will of the majority that 'Umar should not go to the battle-field. Similarly, the pay of the soldiers, organization of the secretariat, appointments of civil officers, freedom of trade to foreigners and assessment of import duties and other questions of state were, as expressly stated by historians of the period, decided

1. See Qāḍī Abū Yūsuf: *Kitāb-u'l-Kharāj*, pp. 14, 15.

by free discussion in the consultative assembly. Books of history contain even reports of speeches made on such occasions. These assemblies were held not merely out of piety, but because, as explained by ‘Umar, Caliphate was not lawful without consultation. لا خلافة الا عن مشورة —“There is no Khilafat without consultation”—he said.¹

The consultative assembly was called only on special occasions when vital issues had to be decided. There was another council in which current administrative and other questions of lesser importance were discussed. This council sat always in the Prophet’s Mosque and only the Muhājirīn took part in it. Daily reports from districts and provinces that arrived in the Caliph’s court were presented to this council by ‘Umar who consulted with them on any details that called for discussion. The question of levying *jiziyah* on the Magians was discussed in the first instance in this council. Balādhurī speaks of this council incidentally as follows: “The Muhājirīn used to gather in the mosque and ‘Umar used to sit with them, and talk with them about world affairs. One day he said he did not know how he should treat the Magians.”

Citizens’ Role in the Administration

Apart from the consultative assembly, every citizen had a voice in the state administration. Provincial governors and district officers were often

1. *Kunz-u’l-Ummāl*, Vol. III, p. 139.

appointed with the approval of the subjects, and at times appointments were made even by election. When the question came up of appointing revenue officers for Kūfah, Baṣrah and Syria, orders were sent by 'Umar to the three provinces that the people of each province should select from their midst a person whom they considered to be the most honest and capable and send him up to Madīnah. They selected 'Uthmān b. Farqad, Hujjāj 'Allāṭ and Ma'n b. Yazīd for the three provinces respectively, and the three were appointed accordingly.¹

Sa'd b. Abī Waqqās was a Companion of eminence and conqueror of Anūsharwān's capital. He was appointed governor of Kūfah. But when the people complained of his administration, he was dismissed.

It is one of the most important principles of democratic government that every citizen should have the right and given the opportunity to defend his rights and interests. 'Umar's government vouchsafed this right to every individual and the people exercised it with the uttermost freedom. Deputations came nearly every year from the districts for the purpose of keeping the Caliph posted in all affairs, representing their hardships and seeking redress of grievances. 'Umar himself had the right proclaimed on several occasions, so much so that he addressed public audiences especially for the purpose of proclaiming to them

1. Qāḍī Abū Yūsuf : *Kitāb-u'l-Klārāj*, p. 64.

the right, clarified it in official orders, and on one occasion, as shall be explained later in fuller detail when we come to speak of the civil services, he invited provincial governors from all over the empire at the time of Ḥajj and announced this principle of individual liberty in public assembly.

No Special Privileges to the Caliph

The great beauty of the democratic system of government is that the ruler stands on a level of perfect equality with the common mass of the people in the matter of personal rights and can claim no special privileges or exemption from any law, that he should receive no more from the public revenues than what is necessary for his maintenance, that in ordinary civil life he should enjoy no distinction by virtue of being the ruler, that his powers should be limited and every citizen should have the right of criticizing him. These principles were evolved to such a high degree during the Caliphate of 'Umar that no room was left for further development, and whatever evolution was effected was achieved by virtue of the Caliph's own example. He himself explained on several occasions what his position and powers as Caliph were. A few sentences from a speech he delivered on one of these occasions may be cited here to illustrate the point. He said: "I have no greater right on your money (*i.e.*, the public treasury) than the guardian of an orphan has on the latter's property. If I am wealthy, I shall not take

anything. If I am needy, I shall take for my maintenance according to usage. Ye men, you have many rights on me, which you should demand of me. One of those rights is that I should not collect revenues and spoils of war unlawfully; the second is that the revenues and spoils of war that come into my possession should not be spent unlawfully; another is that I should increase your stipends and protect the frontiers, and that I should not cast you into unnecessary perils."¹

Addressing 'Umar on one occasion a man said again and again, "Fear Allah, O 'Umar." One of those present rebuked the man and said he had had enough, whereupon 'Umar said, "Let him say it. If these people did not exhort me so, they would be useless, and if I did not listen, I would be in the wrong."² These details are enough to show that the nature of Khilāfat, its powers and limitations had become well known to the people, and the awe and majesty of despotism had vanished from their hearts. The speech Mu'ādh b. Jabal made on the nature of 'Umar's Caliphate when he was on an embassy to the Romans is a true picture of what a democratic state ought to be, nor can it be improved upon even today.

We have learnt the nature of 'Umar's Caliphate and turn now to his administration.

One of the first requirements of a sound

1. *Kitāb-u'l-Kharāj*, p. 60,

2. *Ibid.*, p. 17.

administration is a clear departmentalization which is an evidence of a progressive culture. As one room suffices for all the needs of a home in the earlier stages of civilization, and as civilization advances, separate rooms are built for eating, sleeping, receiving guests and other needs and occasions, so also is the case with governments. In the earlier stages of development all departments of administration remain mixed up: the governor of a province becomes commander of the army in times of war. For judging disputes he becomes a judge and carries out the functions of the police for the punishment of crimes. As civilization progresses, separate departments come into existence for dealing with different matters, and each department is placed under a special officer. The British have been ruling over India for a century, but the judiciary and the executive are still combined, so that the Collector collects revenues and exercises judicial functions as well, while matters are mixed up still more in the Scheduled Districts. It is one of the most remarkable achievements of 'Umar that, though Arab civilization was as yet at an elementary stage and the state had been in existence only a few years, many branches of the state administration, which were formerly combined, were organized into separate departments, which we now proceed to study in detail,

CHAPTER III

ADMINISTRATIVE DIVISIONS

Provinces and Districts

DIVISION of the country into administrative units, such as provinces, districts and subdivisions of districts which we may call counties or parganas, upon which much of the efficiency of administration depends, is the first step in government. 'Umar was the first Muslim ruler who made a beginning in such decentralization, and the units he formed were, in view of the conditions of the age, most suitable. Historians agree that he divided the empire into eight provinces, *viz.*, Makkah, Madīnah, Syria, Jazīrah, Baṣrah, Kūfah, Egypt and Palestine. Ya'qūbī speaks of seven instead of eight provinces and says, "The division was effected in 20 A.H." The historians are right in making this statement which, however, is so concise that it calls for some explanation. 'Umar's conquests were so vast that these eight provinces could not cover the whole extent of territory; for Fars, Khozistan, Kirman, etc., too had the status of provinces.

The fact is that in the conquered countries 'Umar usually retained the divisions of provinces and districts as they had been before. For this reason the historians did not think it necessary to mention them and contented themselves with speak-

ing of those only which ‘Umar had himself created, and these were the very eight. In all probability the facts seem to have been as stated above, though historians also state that ‘Umar did make changes in older divisions. For instance, Palestine was formerly one province and comprised ten districts. When ‘Umar went to the country in 15 A.H. and dictated the terms of peace, he divided it into two provinces, fixed the capital of one at Aylya and of the other at Ramlah, and appointed ‘Alqamah b. Ḥakīm and ‘Alqamah b. Mujazzaz as governors of the two provinces respectively.¹

We do not know anything about the governance of Egypt before the Muslim conquest. But ‘Umar divided it into two provinces: Upper Egypt, called Ṣa‘īd by the Arabs, comprising twenty-eight districts, was constituted into one province and placed under ‘Abd-u’llah b. Sa‘d b. Abī Sarah, and Lower Egypt, comprising fifteen districts, was placed under another officer, while ‘Amr b. al-‘Ās remained the governor-general.

Provinces under Anūsharwān

As the Caliph retained the erstwhile administrative divisions of Persia, it would suffice to mention the divisions that had existed in the reign of Anūsharwān. According to Ya‘qūbī,² Anūsharwān’s empire consisted of three provinces, besides Iraq, namely :

1. *Tabari*, pp. 2403, 2407.

2. *Fāriḡh*, Vol. I, pp. 201, 202.

1. Khurasan which comprised the districts of Nishāpūr, Hirāt, Marv, Marv-i-Rūd, Fāryab, Ṭaliqān, Balkh, Bukhārā Badh 'Ais, Baward, Ghuzishtān, Ṭūs, Sarkhas and Jurjān.

2. Ādharbāijān comprising the districts of Ṭabaristān, Rayy, Qazwīn, Zanjān, Qum, Iṣphahān, Hamadān, Nihāwand, Dīnūr, Halwān, Masandān, Mahrjān, Qazaq, Shahrzūr, Sāmaghān, and Ādharbāijān.

3. Fārs comprising the districts of Aṣṭakhar, Shīrāz, Naubandjān, Jaur, Kāzrān, Fasā, Dār Abjard, Urdshīr Kharah, Sābūr, Ahwaz, Jand-i-Sābūr, Sus, Nahr Tīrī, Minādhīr, Tustar, Idhaj and Ram Hurmuz.

Provincial Officers

The higher officers in each province were the *Wālī* or the governor; *Kātib* or the Chief Secretary; *Kātib-u'd-Diwan* or the Chief Secretary of the army secretariat; *Ṣāhib-u'l-Kharāj* or the collector of revenue; *Ṣāhib-u'l-Aḥdāth* or the officer of the police; *Ṣāhib-u'l-Bait-u'l-Māl* or the treasury officer, and the *Qādī* or chief of the ecclesiastical department and judge. For instance, at Kūfah 'Ammār b. Yasir was the Governor, 'Uthman b. Hanif collector of revenue, 'Abd-u'llah b. Mas'ūd the treasury officer, Shuraih the Qādī and 'Abd-u'llah b. Khalaf, a Khuzā'ite, was *Kātib-u'd-Diwan*.¹

Each province had also a military officer,

1. *Ṭabari*, p. 2647; *Ibn Khallikān*, p. 253.

though in most cases the provincial governor was also the commander-in-chief of the provincial army. So far as is known, the police department was not separate in every province, and the duties of the office were usually performed by the collector or ‘*Āmil*. For instance, when ‘Ammār b. Yāsir was governor of Kūfah, he also had charge of the police department, while the *Ṣāhib-u’l-Kharāj* of Baḥrain, Qudamah b. Maz‘ūn, also performed the police duties. The governor had a large and permanent staff who had their appointments direct from the Caliph’s Court. When ‘Umar appointed ‘Ammār to the governorship of Kūfah, he sent with him ten respectable men, including Qurz,¹ a *Khazrajite*, to serve as his staff.

The chief secretary used to be a capable man, distinguished in the art of speech and writing. Ziād b. Samiyyah, chief secretary to Abū Mūsa Ash‘arī, governor of Baṣrah, was such a powerful orator that even ‘Umar was amazed at his eloquence, and ‘Amr b. al-‘Ās used to say that if the young man had been a Quraishite, the whole of Arabia would have acknowledged him as its ruler.

‘*Āmils*, treasury officers, *Qādīs*, etc., were also appointed to districts and were all under the authority of the provincial governor. In smaller subdivisions, which may be called *parganas*, were officers analogous to our *Tehsildars*, who had their own separate staffs.

1. *Usd-u’l-Ghābah*, p. 12.

After the provinces and districts had been defined came the most important question of selecting suitable officers and preparing a code of administration for their guidance. However enlightened the ruler and however perfect the law might be, no country can prosper unless the limbs of the state, *i.e.*, administrative officers, are capable, honest and upright men, and are watched and guided with the utmost care.

'Umar's Knack for Weighing Capabilities

The wisdom, insight and statesmanship displayed by 'Umar in this matter stands indeed without parallel in history. The thing that proved most helpful in this connection was 'Umar's natural gift for sizing up men. He had a knack for weighing up whatever capabilities were possessed by a person. Besides, he had made himself personally acquainted with all men of worth in the country, so that men appointed by him to various posts were usually the very best persons available for the jobs. There were four persons who had not the equal in the whole of Arabia for statesmanship and administrative capacity, namely, Mū'aviyah, 'Amr b. al-'Ās, Mughīrah b. Shu'bah and Ziad b. Samiyyah.¹ With the exception of the last, 'Umar gave them high administrative posts and, as the three were also men of ambition, kept them under such strict control that none of them showed any sign of insubordination.

1. *Uṣṣ-ṣ' Ghābah*, p. 12.

Ziād was a young man of only sixteen and was not given any high post. But as he was a very capable young man, he was commended to Abū Mūsa Ash'arī that he should be employed as an assistant in administrative affairs. 'Amr Ma'dī Karab and Ṭulaiḥah b. Khalid were distinguished in the art of war, but possessed no gift for statesmanship or administration. When 'Umar sent them to the conquest of Iraq under Nu'mān b. Muqrin, he instructed the latter not to give them any administrative post, as they were but soldiers.¹

'Abd-u'llah b. Arqam was an esteemed Companion. Once a letter was brought to the Holy Prophet which called for a reply. The Holy Prophet asked who would write the reply. 'Abd-u'llah b. Arqam replied that he would. Accordingly he wrote a reply of his own mind, which met with high approval of the Holy Prophet. 'Umar was also present on the occasion and was much impressed with the Companion's ability. As 'Allāma Ibn al-Athir reports, 'Umar remembered the incident and when he became Caliph, he appointed 'Abd-u'llah b. Arqam his own chief secretary.

When a general session of the consultative assembly was held to deliberate upon the question as to who was to command the expedition to Niḥawand, the whole assembly unanimously declared that no one had the knowledge of men which he himself possessed, and that nobody had weighed the merits of

1. *Ṭabarī*, p. 257, and *Ist. 'āb* of Qāḍī Ibn 'Abd-u'l-Bar.

each as he had done. Accordingly, when 'Umar mentioned the name of Nu'mān b. Muqrin, they unanimously agreed that his selection was the best. 'Ammār b. Yāsir was a Companion who commanded high esteem. For piety and holiness of living he was beyond comparison, but he had no administrative capacity or political acumen. Owing to the high regard in which he was held and for some other reasons, 'Umar appointed him to the governorship of Kūfah, but had to dismiss him soon after as he could not work efficiently, proving thereby to 'Ammār's partisans that he was not fit for the post. There are scores of similar instances which, however, we cannot discuss here in detail. Anyone who has the inclination may look up the biographical literature of the period to discover the names of the capable men of Arabia of that age and see in what suitable positions 'Umar utilized them for running the state machinery.

For all that, the whole business of the state could not be left to the responsibility of one man. 'Umar, therefore, called the consultative assembly and addressing the Companions said that if they did not help him, who else would.¹ Abū Hurairah replied, they would help him. It happened that some people had conceived the notion that to participate in administrative matters did not go well with piety and religious living, and Abū 'Ubaidah complained that 'Umar was dragging the Holy Prophet's

1. *Kitāb-u'l-Kharāj*, p. 165.

Companions into worldly entanglements. ‘Umar replied that if he did not seek their help, to whom else he should apply. Abū ‘Ubaidah, thereupon, advised that salaries should be fixed high, so that state servants should not become inclined to mal-practices.¹ In brief, ‘Umar selected and appointed honest and capable men to high offices of the state after consultation with the people and with their approval and consent.

Selection of Officials by the Assembly

With regard to more important posts, selection was made openly in the consultative assembly, and only those persons were appointed to such posts who were selected by the house. ‘Uthmān b. Ḥanīf’s appointment was made in this wise. At times, the inhabitants of districts or provinces were asked to select honest and capable men, and the persons so selected were appointed officers over them. As has been stated above, the appointments of ‘Uthmān b. Farqad, Ma‘n b. Yazīd and Ḥujjāj b. ‘Allāṭ were made in this manner.

Payment of Salaries

Another difficulty was that people disliked receiving payment for any work they were called upon to do and considered it incompatible with true piety, just as the pious preachers of today consider it below their dignity to receive salaries

1. *Kitāb-u’l-Kharāj*, p. 64.

for the regular performance of their duties, but make no bones about receiving gifts and presents. There were many people who had this mistaken idea in the days of 'Umar. But this was incompatible with the requirements of administration and civilization, and 'Umar did his best to remove this error and to persuade the people to receive salaries. On one occasion Abū 'Ubaidah, a Companion of renown and commander-in-chief, refused to accept remuneration for his services, and 'Umar was hard put to it to make him accept it.¹ Ḥakīm b. Khazam never accepted a stipend even on the insistence of 'Umar.²

*Details of Officials' Duties in the Instruments
of Instructions*

The man appointed to an office of state was given an instrument of instructions, in which his appointment, powers and obligations were stated,³ and which was witnessed by a number of Muhājirīn and Anṣar. On arrival at the headquarters of his charge, the officer in question called the people together and read the instrument of instructions before them, so that they became aware of his powers and obligations, and could call him to account if he ever stepped beyond his powers. 'Umar took great pains to see that everyone knew the obligations of the state officials and addressed public assemblies

1. *Tabarī*, p. 257

2. *Kunz-u'l-'Ummāl*, Vol. III, p. 322.

3. *Ṭabarī*, p. 2747; *Uṣd-u'l-Ghābah*.

at many places and on several occasions for this purpose. Addressing the officials in a public meeting on one occasion he said: "Remember, I have not appointed you as commanders and tyrants over the people. I have sent you as leaders instead, so that people may follow your example. Give the Muslims their rights and do not beat them lest they become abased. Do not praise them unduly, lest they fall into the error of conceit. Do not keep your doors shut in their faces, lest the more powerful of them eat up the weaker ones. And do not behave as if you were superior to them, for that is tyranny over them."

When a person was appointed officer of any place, the letter of appointment was given to him in the presence of a number of Companions, so that the latter might be witnesses thereof¹ and the abilities and duties of the appointee should become known.

Promises taken from the Officials

Every officer was required to make a promise that he would not ride a Turkish horse, nor wear fine clothes, nor eat sifted flour, nor keep a porter at his door, and would ever keep his door open for those who had need of him.² The terms were often entered in the letter of appointment and announced in public assembly.

Inventory of the Officials' Possessions

When a person was appointed to an office, a

1. *Kitāb-u'l-Kharāj*, p. 66.

2. *Ibid.*

complete inventory of all his possessions was prepared and kept in record. If any unusual increase was noticed in his financial position, he was called upon to explain it.¹ On one occasion, several officers were found to be in unusual opulence. Khālid b. Ṣa'q informed 'Umar in a set of verses. The Caliph had their properties checked, confiscated half of each and sent it to the public treasury. The following are a few of the verses. The names of the defaulting officers are mentioned clearly in them.

Give this message to the Amīr-u'l-Mu'minīn that
he is the trustee of God in wealth and the
empire.

Take to task every one of the officials who
misappropriates Allah's property.

Send to Hujjāj, Juz' and Bishr and check their
accounts.

Don't forget the two Nāfi's either, nor Ibn
Ghallāb who is one of the leading ones of
Banī Nasr.

Nor is 'Aṣim quite innocent. It is the one who
is the protege of Banī Badr.

Ask also Shibl as well as ibn Muḥarrish, for he
too was notorious on the borders.

We fought with them and returned with them.
But they are wealthy while we are not.

When the musk dealer comes to sell musk, we
know it from his face.

1 *Futūḥ-u'l-Buldān*, p. 219.

Compulsory Presence of Officers at the Time of Annual Pilgrimage

All officers were required to come to Makkah on the occasion of the Hajj, when people from all over the Islamic world gathered in the Holy City. In public assembly the Caliph invited all who had any grievance against any officer to present the same.¹ Even minor complaints were made on the occasion. Inquiries were made and grievances redressed. On one occasion, addressing a very large assembly, the Caliph said: "Brethren, officers are appointed not that they should slap you in your faces and rob you of your properties, but in order that they should teach you the way of the Apostle of Allah. So, if any officer has acted contrary-wise, tell me that I might avenge it." 'Amr b. al-'Āṣ, governor of Egypt, rose and asked if an officer had beaten anyone for the sake of discipline, would he too be punished. 'Umar replied: "By Allah in Whose hand is my life, I would certainly punish him, for I have seen the Apostle of Allah doing so. Beware, do not beat the Muslims for by so doing they will become abased. Do not despoil them of their rights, for by so doing they will be driven to wrong."²

Once upon a time when all the officers were present according to custom, a person rose and complained that one of the officers had beaten him

1. Tabarī: *Tārikh*, p. 3680.
 2. *Kitāb-u'l-Kharāj*, p. 66.

with one hundred stripes. 'Umar ordered the complainant to repay the officer with an equal number of stripes in public. 'Amr b. al-'Āṣ protested and said that it would be a great hardship on the officers. But 'Umar replied, the wrong-doer must be punished. 'Amr b. al-'Āṣ persuaded the complainant with many entreaties to accept two gold pieces for every single blow and give up his right of corporal revenge.¹

Investigation of Complaints against Officers

A special office was established for investigation into the complaints that reached the Caliph, now and then, against officers of the state and Muḥammad b. Maslamah Anṣārī was appointed to the post. This gentleman was one of the leading Companions and had accompanied the Holy Prophet on most of his military expeditions. On one occasion he was left in charge of Madīnah as his deputy, when the Holy Prophet went on one of these expeditions. It was for these reasons that 'Umar selected him for this position of trust. When a complaint came against an officer, he was deputed to investigate the charge and took evidence in public assemblies.² A complaint was made to the Caliph by the people of Kūfah in 21 A.H. against Sa'd Waqqās, the conqueror of Qadisiya, who was then the governor of the province. It was a time of great crisis. The Persians had made vast preparations for an invasion

1. *Kitāb u'l-Kharāj*, p. 66.

2. *Usṣ-ṣ-Ḥābāh*.

and had approached Nihāwand with an army of more than a lakh. The Mūslims were in a state of great anxiety, and forces were leaving Kūfah to stem the Persian onslaught. It was just at this time that the complainants reached Madīnah. 'Umar said that the time was critical and full of perils, but that would not deter him from ordering investigation into the affairs of Sa'd Waqqās. Muḥammad b. Maslamah was at once despatched to Kūfah to institute the inquiry. The investigating officer visited every mosque of Kūfah and recorded the evidence of the people. He then took Sa'd b. Waqqās along with him to Madīnah where 'Umar examined him personally.¹

Inquiry Commissions

At times a commission consisting of a number of persons was sent to make the inquiry, of which several instances are mentioned in books of history. Sometimes, especially in earlier days, the officer complained against was called to Madīnah and questioned personally. This was usually the case when the officer was a provincial governor or held some other high post. For instance, when a complaint came against Abū Mūsā Ash'arī, governor of Baṣrah, 'Umar recorded the complainant's statement with his own hand and sent for the governor to answer the charges in person. The charges were that Ash'arī had reserved sixty well-born prisoners of war for himself, that he had a slave-maid who was

1. Tabarī: *Tārīkh*, pp. 2606-2608; *Saḥīḥ Bukhārī*.

provided the finest food, the like of which the average Muslim could not afford, and that he had entrusted the whole administrative business to Ziad b. Samiyyah who did what he pleased without any check. On inquiry, the first charge proved false. To the third charge Abū Mūsā replied that Ziad was a genius for administration and statesmanship, and he therefore employed him as an adviser and lieutenant. 'Umar called for Ziad, examined him and found that he was really a man of parts. So the Caliph himself commended him to the authorities at Baṣrah that they should consult Ziad in all affairs of state. To the second charge Abū Mūsā could make no reply, with the result that the maid was taken away from him.¹

Officers were taken severely to task if found at fault, especially when they were guilty of behaviour indicative of haughtiness, pride or social distinction. Officers who omitted to visit the sick or in whose courts the poor found no ready admittance were dismissed without hesitation.²

'Umar was one day walking in a street of Madīnah when he heard someone say : " 'Umar, do you think you would escape divine punishment by devising a few regulations for your officers ? Do you know that 'Ayyād b. Ghanam, a governor in Egypt, wears fine clothes and keeps a porter at his door ?" The Caliph at once despatched Muḥammad

1. See *Ṭabarī*, pp. 2710-2712.
2. *Kitāb-u'l-Kharāj*, p. 66.

b. Maslamah to Egypt to bring away 'Ayyād with him exactly as he found him. On arrival in Egypt Muḥammad b. Maslamah found that the charges were correct. 'Ayyād had a porter at his door and had a shirt of fine cloth on. He brought him to Madīnah in the same dress. 'Umar had 'Ayyād change his fine shirt for one of coarse wool, sent for a flock of goats and ordered him to graze them in the jungle. 'Ayyād dared not refuse, but said again and again that death was preferable to such punishment, to which 'Umar retorted that he should not be ashamed of the job, as his father had been a goatherd and had for this reason got the name of Ghanam. 'Ayyād made sincere repentance and did his duty conscientiously as long as he lived.¹

Sa'd Waqqās had a palace built for himself at Kūfah, to which was attached a porter's room in front. 'Umar thought the room prevented free access for the people to the governor. So he ordered Muḥammad b. Maslamah to go and burn down the fore-chamber. The order was executed, while Sa'd looked on.

Such proceedings do appear objectionable, as interference in the people's private lives and manner of living is negatory of the principle of individual freedom, but the spirit of equality and democracy which 'Umar wished to infuse into the country was not possible of realization unless he himself and those associated with him in govern-

1. *Kiṭāb-u'l-Kīlārāj*, p. 66.

ment set the highest example of it in their own lives. The commonalty might do what they please, for the effect of their example remains confined to a narrow circle. But if the people who are charged with government and form the pillars of the state live in a manner which distinguishes them from the common people, the latter will soon develop a sense of inferiority. The distinctive manner of living of state officials and the resultant inferiority complex of the masses lead by degrees to the birth and development of those attributes of autocracy and despotic government under which one man becomes the lord while others become his slaves. Besides, those who have any knowledge of Arab character will easily understand that this kind of discipline was not without political advantages. Equality and the absence of preference or privileges, called Socialism in modern terminology, was part and parcel of the Arab character, and a state established on this principle would always prove more successful than any other form of government. That was why this kind of discipline was usually confined to Arab lands, while, on the other hand, Mu'aviyah lived in great splendour in Syria, and 'Umar never objected to it. Once, during his visit to Syria, 'Umar, seeing Mu'aviyah in all his glory, remarked: "Why all this Chosroe-like splendour?" Mu'aviyah explained that he had to deal with those who were used to the ways of the Romans, and it was not possible to maintain the Empire's prestige in their eyes without such paraphernalia. 'Umar

was satisfied and raised no objection.

An excellent rule which ‘Umar adopted to ensure the honesty and rectitude of officials was of giving them high salaries. Europe has learnt this principle after centuries of experience, while Asiatic kingdoms have not yet realized its wisdom, for which reason bribery and peculation have become a common feature of Eastern states. In the time of ‘Umar living was exceedingly cheap and money was scarce. For all that, salaries were comparatively high. Provincial governors received as much as five thousand rupees a month in addition to their shares of the spoils of war. Mu‘aviyah received one thousand dinars a month, which is equal to five thousand rupees of our currency.¹

Here we subjoin a list of ‘Umar’s officers, which should help the reader to judge what kind of persons the great Caliph employed to run the machinery of the state.

Name	Place	Post	Remarks
Abū ‘Ubaidah	Syria	Governor	Famous Companion and one of the ‘Ashrah Mubashshrah.
Yazīd b. Abī Sufyān	do	do	The ablest in the whole dynasty of the Umayyads.
Amīr Mu‘aviyah	do	do	Famous as a statesman and administrator.

1. *Istī‘āb* of Qādī ibn ‘Abd-u’l-Bar and *Izālat-u’l-Khifā* of Shāh Walī‘ullāh.

Name	Place	Post	Remarks
'Amr b. al-'Āṣ	Egypt	Governor	Conqueror of Egypt.
Sa'd b. Abī Waqqās	Kufah	do	Uncle of the Holy Prophet.
'Utbah b. Ghazwān	Baṣrah	do	A Muhājir and founder of Baṣrah.
Abū Mūsā Ash'arī	Baṣrah	do	Eminent and famous Companion.
'Itāb b. Usaid	Makkah	do	Appointed to the post by the Holy Prophet himself.
Nāfi' b. 'Abdul Hārith	do		An eminent Companion.
Khalid b. al-'Āṣ	do		Abū Jahl's nephew and a respectable person.
'Uthmān b. Abī'l 'Āṣ	Ṭā'if		Kept the people of Ṭā'if steady in their allegiance during the revolt of tribes called "Apostasy."
Yā'li b. Umayyah	Yaman		A Companion noted for generosity.
'Alā b. al-Haḍramī	Yaman		A very influential person, was appointed governor of Yaman by the Holy Prophet.
Nu'mān	Madā'in		Revenue collector.
'Uthmān b. Hanīf	Euphrates Valley	Settlement Commissioner	An expert in surveying revenue assessment and accountancy.

Name	Place	Post	Remarks
'Ayyād b. <u>G</u> hanam	Jazīrah	Governor	Conqueror of Jazīrah.
'Umar b. Sa'd	Ḥimṣ	do	The Caliph held him in high esteem.
Hudhaifah b. al-Yamān	Madā'in	do	A famous Companion in the Holy Prophet's confidence.
<u>K</u> hālīd b. <u>H</u> arīth	Iṣphahān	Treasury Officer	
Samrah b. Jundab	Sūq-ul Ahwāz		An eminent Companion.
Nu'mān b. 'Adī	Misān		The first among the Companions to come into inheritance.
'Arfaja b. <u>H</u> arṭhama	Mūṣal	Revenue Commissioner	Founder of Mūṣal cantonment.

CHAPTER IV

THE REVENUE DEPARTMENT

1. *Kharaġ* (Land Tax)

LAND revenue administration was something new in the history of Arab civilization. Before Islam, though various dynasties had established kingdoms in different parts of Arabia at different times and formed administrations, a well-organized revenue administration had never been known. In the earlier days of Islam, when Khaibar was conquered, the Jews requested that as they were well acquainted with agriculture, the lands should be left in their possession. The Holy Prophet acceded to their request and the state agreed to accept half of the produce in lieu of taxes. At places, where all the inhabitants embraced Islam, tithes, which were a kind of Zakāt, were levied on land. Part of Iraq was conquered in the reign of Abū Bakr, but no regular land taxes were introduced, a lump-sum being agreed upon instead.

When ‘Umar had some leisure from military expeditions, that is, after Arabian Iraq had been completely conquered in 16 A.H. and the victory of Yarmūk had shattered the power of the Romans, he turned his attention to the organization of land revenue administration. The first obstacle that confronted him in this connection was the

insistence of the army commanders that the whole conquered territory should be handed over to the army in estates and the inhabitants made their serfs and slaves. Immediately on the conquest of Iraq, ‘Umar had ordered Sa’d b. Waqqās to take census of the people. Sa’d took the census very carefully and submitted his report. On comparing the number of the army with that of the inhabitants it was found that three men would fall to the lot of each soldier. ‘Umar had made up his mind at that very time that land should be left in the possession of the inhabitants who should be left free.¹ But some of the eminent Companions like ‘Abd-u’r-Raḥmān b. ‘Auf and others supported the army. Bilāl was so persistent in this matter that ‘Umar exclaimed in annoyance, “May Allah save me from Bilāl !” ‘Umar argued, if the conquered lands were divided up among the army, wherefrom they would get the necessary finance for the raising and equipment of armies in future for defence against foreign aggression and for the maintenance of peace and order in the country. Abd-u’r-Raḥmān b. ‘Auf contended that the lands belonged to those who had conquered them, and future generations had no right to them. As ‘Umar’s government was democratic and all questions were decided by discussion and consensus of opinion a general assembly comprising all Muhājirīn and five representatives from each of the two tribes of Anṣār,

1. *Ṭabarī* p 2467, *Futūḥ-u’l-Buldān*, p. 266, and *Kitāb-u’l-Kharāj*, p. 21.

namely, Aus and Khazraj, was called.¹ 'Alī, 'Uthmān and Ṭalḥa supported 'Umar, but no decision was arrived at, and the assembly continued in session for several days. Then 'Umar suddenly recollected verses 8-10 of Sūra Al-Ḥaṣhr which speak of "the poor who had fled, those who were driven from their homes and properties" and of "those who come after." These verses proved decisive and 'Umar inferred from them that coming generations had a share in the conquests; but if the lands were divided up among the conquerors, nothing would be left for the coming generations. The Caliph advanced his contention in a powerful speech, so that the whole audience acclaimed it unanimously. On the basis of 'Umar's inference the principle was established that the countries conquered would be the property of the state and not of the conquering forces, and former occupants of lands would not be dispossessed. Having established this principle, 'Umar turned his attention to the revenue assessment of the conquered countries.

Land Settlement of Iraq

He began with Iraq, as it was nearest to Arabia, and, owing to its Arab population, had become a province of Arabia. It was an established practice with 'Umar to make himself conversant with the ancient customs and usages of a country before drawing up any system of administration for it, and

1. *Kitāb-u'l-Kharāj*, p. 14.

often let the old administrative organization continue with some alterations. According to the old system of land taxation obtaining in Iraq, every cultivated piece of land was assessed at a certain rate which was recovered in three instalments. The system had been introduced by Qubād and developed by Anūsharwān. The rule up to the time of Anūsharwān was that assessment should not exceed half of the produce. But Khusrau Parvez increased the rate and other changes were effected in the time of Yezdgird.¹ For purposes of greater accuracy, ‘Umar ordered a general survey, which called for a knowledge of mensuration besides uprightness of character. Arabia was destitute of all such knowledge at the time, and the question presented great difficulty.

Settlement Officers

At last two men were selected for the work, ‘Uthmān b. Ḥanīf and Ḥudhaifah b. al-Yamān, both of them Companions of eminence, who had learnt arts of this nature from their long residence in Iraq. ‘Uthmān b. Ḥanīf was especially practised in the art. Qāḍī Abū Yūsuf says in *Kitāb-u’l-Kharāj* that he measured land with such care and precision as one measures cloth. ‘Umar prepared the measure with his own hands. The work continued for many months and was carried out with great assiduity.

1. *Kitāb-u’l-Awāyil*.

Area of Iraq

The country measured 375 miles long and 240 miles wide with a superficial area of 30,000 sq. miles. Leaving out the hills and mountains, deserts, and rivers, the whole cultivable area came to thirty-six million *jaribs*. The royal dynasty's estates, endowments of fire-temples, the estates of those who had died heirless or had fled the country, and rebels, lands set apart for the expenses of the building and maintenance of roads, and for the expenses of the post, lands recovered from rivers and forests, all these were declared state property, and the income from these lands which amounted to seventy lakhs was set apart for works of public utility. When any person had to be rewarded with an estate for any special service to Islam, it was given from these lands. But such estates were never exempt from the land tax or tithes. The rest of the lands were left in the possession of their former occupants, and the land tax was assessed at the following rates per *jarib* per annum: wheat, two dirhams; barley, one dirham; sugar-cane, six dirhams; cotton, five dirhams; grapes, ten dirhams; date-palm gardens, ten dirhams; *til*, eight dirhams, and vegetables, three dirhams. Rates were assessed higher at some places owing to the better quality of the land, namely, four dirhams per *jarib* on wheat-growing lands and two dirhams on barley-growing ones.

Land Tax in Iraq

Arable but uncultivated lands were assessed at

one dirham per two *jaribs*. Land revenue assessment for the whole of Iraq thus came to 86 million dirhams. Owing to the personal equations of those charged with the settlement, there were slight differences in assessments, but on the whole the assessed rates were less than half of the produce. 'Umar was so solicitous for the well-being of the *Dhimmīs* (non-Muslim subjects) that he called both the officers and questioned them whether they had been harsh in their assessments. 'Uthman replied in the negative and said there was room for another assessment of equal amounts.¹

The great landlords of the pre-Islamic days, who were called Marzabāns and Dahqāns in the language of old Iran, were kept in their old positions and were allowed to retain their ancient rights and privileges.

Increase in Land Produce and Revenue

The whole settlement was carried out in such an excellent manner that, though the rates levied were higher than those levied by Anūsharwān, fresh lands were extensively brought under cultivation, and the produce of land increased with a bound, so that in the year following the settlement the land revenue increased from eighty-six million to one hundred million and twenty thousand dirhams, and it increased still further in subsequent years. For all that, 'Umar was so scrupulous that every year when the amounts of revenue arrived at the capital,

1. *Kitāb-u'l-Kharāj*, p. 21.

he sent for ten upright and reliable men from Kūfah and the same number from Baṣrah, and questioned them on oath whether any Muslim or *Dhimmi* had been subjected to any hardship in the collection of the taxes.¹

It is strange that though the assessments of 'Umar were mild, the figures of revenue collected in his reign were never attained after him. 'Umar b. 'Abd-u'l-'Azīz used to say: "Ḥajjāj be cursed; the wretch had neither the sense of religion nor of the world. 'Umar b. al-Khattāb received ten crore and twenty-eight lakh dirhams in land revenue from Iraq; Zīād received ten crores and fifteen lakhs, but Ḥajjāj, in spite of his barbarities and oppressions, never received more than two crores and eight lakhs."² Ma'mūn Rashīd's reign is known for justice and fair-dealing, but he too never received more than five crore and forty-eight lakh dirhams in land revenue from Iraq.

As far as we know, no such settlement was carried out by 'Umar in any other country. Whatever system obtained in any country and whatever records of assessments were already in existence were retained as they had been, so much so that even their language was not changed. Before Islam the official records of Iraq and Persia were kept in Persian; of Syria, in Latin; of Egypt, in the Coptic language, and so did they remain in the reign of

1. *Kitāb-u'l-Klarāj*, p. 65.

2. *Mu'jam-u'l-Buldān*, "Sawād."

'Umar. The Parsis, Greeks and Copts employed in the land revenue department remained in their posts as before. Whatever shortcomings came to the notice of the Caliph in the existing system of administration were, however, removed and necessary reforms effected, as we shall learn later.

In Egypt, the Pharaohs' land, revenue system was retained by the Ptolemies and continued also under the Romans. The Pharaohs had the whole land measured and the land tax was assessed and collected according to the following three rules :

1. Taxes could be paid in cash or kind.
2. The land should be assessed on the average of a number of years.
3. The settlement should be for four years.¹

The Romans retained this system, but introduced a new demand: large amount of grain was sent every year to Constantinople, the capital, as well as for the army in every province of the empire, but the amount so obtained was in addition to the land revenue. 'Umar abolished both of these unfair levies.

Old System Improved upon by 'Umar

European historians say that the custom remained in force even under 'Umar, because in the year of famine in Arabia, the grain that was imported from Egypt was taken under the same

1. Favon Berhom : *La Propriete Territoriale et l'impôt Foncier sous les Premiers Calife*, a treatise on the Muslim law of land taxation.

usage. But this is a manifest error and a mere conjecture. No doubt, grain was imported from Egypt in the year of famine and later it became a custom to import food-grains from that country. This practice continued for long afterwards. But the grain so imported was collected as part of the usual land tax and was not an additional imposition, as Balādhurī points out clearly in *Futūḥ-u'l-Buldān*.¹ This statement is further borne out by the fact that when the land taxes began to be collected only in cash, the grain imported for Makkah and Madīnah was purchased, as has been clearly mentioned by Maqrīzī in his history of the reign of Mu'aviyah.² Grain stores for the army were established by 'Umar in all the provinces, but the grain imported for them was part of the land tax.

The Method of Revenue Collection in Egypt

The method of collection was also made milder than before, and the rules were reformed accordingly. Agriculture in Egypt depends on the Nile floods, but as the floods are apt to vary, the produce cannot be estimated for certain. Assessments on the averages of a number of years are also likely to cause hardships, as the cultivators are usually illiterate and fail to husband their resources and make up the deficiencies of leaner years. 'Umar, therefore, introduced a new system of assessment and collection. When time for assessments came,

1. P. 216.

2. *Maqrīzī*, Vol. I, p. 79.

landlords, owners of large estates and expert assessors were called; they estimated the yield of the crops for the whole country and the amount of revenue to be paid on it. Similar estimates were then prepared after consultation with the local cultivators and collectors for each district and subdivision and were spread over the country, village by village. Assignments of the churches, public baths and Muslim guest-houses were the first charge on the produce, and taxes were levied on what remained over after these deductions had been made. Village artisans too had to pay their share of the revenue assessment of a village.¹ This method of assessment was no doubt tedious, as it meant a fresh settlement every year, but in view of the peculiar conditions of Egypt it was also the fairest, and, with a slight difference, had obtained in the country for long before. The rate of assessment was one *dīnār* or three *arūbs* per *jar.b*, and the cultivators were given an assurance in writing that the rate would never be increased.

With this fairness and moderation, the land revenue collected from Egypt in the reign of ‘Umar amounted to twelve million *dīnārs*, *i.e.*, about five crore and six lakhs of rupees. According to Maqrīzī, this amount was collected in *Jizīya*, and the land revenue was in addition. Abū Ḥauqal Baghdādī quotes Qādī Abū Ḥazim to the same

1. Maqrīzī is responsible for these details. Bashārī in his *Geography*, p. 212, confirms the reports.

effect, but in my opinion both are wrong. Maqrīzī himself says that when 'Amr b. al-'Āṣ collected one crore in the first year, 'Umar questioned him about it in view of the fact that the Muqauqish of Egypt had collected two crores only the year before. It is a fact that no *jizīya* was levied under the Muqauqish. It was, therefore, meaningless to compare the amount collected by 'Amr b. al-'Āṣ, if it was *jizīya*, with the amount collected by Muqauqish. Besides, all historians mention this amount as being land revenue, as Maqrīzī himself does when he compares the Islamic with the pre-Islamic revenue system.

In any case, the land revenue collected in Egypt in later times never reached the figure it had attained in the reign of 'Umar. Under the Umayyads and the 'Abbāsids, the collections never exceeded three million dīnārs. Hishām b. 'Abd-u'l-Malak had lands surveyed with great pains, when they came to thirty million faddāns, which meant an increase in revenue from three to four million dīnārs. Only once were the figures of 'Umar exceeded, namely, in the reign of 'Uthmān when 'Abd-u'l-lah b. Sa'd, governor of Egypt, collected fourteen millions, and the Caliph remarked proudly that the she-camel had yielded more milk that year, to which 'Amr b. al-'Āṣ replied sarcastically, "Yes, but its young had starved." Mu'aviyah's reign was noted for its prosperity and progress, but the land revenue of Egypt even then did not exceed

nine millions.¹ In the Fāṭimid period, Caliph Al-Mu'izz-u'd-Dīn-illāh's governors doubled the assessment, but could not collect more than thirty-two lakh dīnārs.²

Syria

In Syria the revenue system introduced by a former Greek king remained in force also under Islam. The king in question had the lands classified according to their quality and degree of fertility and had them assessed accordingly. The law was translated from Greek into the Syriac early in the sixth century of the Christian era and was in force when the Muslims conquered the country. It appears from the various indications that 'Umar let the old system continue in Syria also, as he had done in Egypt. The annual collections in Syria in the reign of 'Umar came up to the total of fourteen million dīnārs, equal to about fifty-eight million rupees of our currency.

Besides Iraq, Egypt and Syria, not much is known about the administration and assessment of land taxes in other conquered countries, namely, Fārs, Kirman, Armenia and others. While narrating the story of the conquest of these lands, historians but briefly mention that *jizīya* was imposed upon the people, and the land was assessed to revenue. At places, fixed amounts were agreed upon. In such

1. *Maqrīzī*, Vol. I, pp 74, 75.

2. *Kitāb-u'l-Kharāj*, p. 68.

cases, historians give the figures, but omit to mention any further details, which we must also pass over, as minor details do not necessarily yield any important conclusions.

Reforms by 'Umar in Revenue Administration

But the philosophic historian must inquire what innovations and reforms were effected by 'Umar the Great in this branch of administration, and it is this subject which we must proceed now to study. The greatest reform, which was in fact a revolution, which 'Umar effected in revenue administration, and which resulted in sudden and phenomenal improvement in the prosperity and economic condition of the subject peoples, was the abolition of the oppressive agrarian system that had prevailed in the conquered countries before Islam. When the Romans conquered Syria and Egypt, all the arable areas in the two countries were seized by the conquerors and were in part divided up among army commanders and court officials, in part reserved as imperial estates and in part assigned to the Church. The original owners were deprived of the right of property and were turned into mere cultivators or serfs, and property in the lands was vested in the new assignees. If one of the newly created owners sold his land, the cultivators were transferred to the purchaser along with the land. In later days, the natives had also begun to acquire lands but for the protection and proper exploitation of their

rights they depended upon the goodwill of Roman landlords who, on the plea of "protection," often usurped the lands, reducing the owner again to the status of a tenant. This usage was not peculiar to the Roman empire and prevailed, as far as we know, throughout the world, and everywhere agricultural lands were divided up in the estates of army commanders and court officials.

When 'Umar took possession of the country, he abolished the tyrannical system straightaway. The Romans left the country immediately on its conquest and those who remained were deprived of their unlawful possessions. Imperial estates and lands in the possession of Roman officers were handed back to the natives of the country and, far from bestowing them upon Muslim officers, 'Umar laid down the rule that Muslims could in no case take possession of the lands, which meant in effect that they could not even purchase them of their owners for cash. The rule remained in force for a long time, so much so that when Laith b. Sa'd purchased a piece of land in Egypt, great religious leaders like Imām Mālik and Nāfi' b. Yazīd b. Lahjy'ah objected to it very strongly.¹ 'Umar went even further and forbade the Arabs who had spread over conquered lands to engage in agriculture, and wrote to the provincial officers that as the Arabs were in receipt of stipends from the state they

1. *Maqrīzī*, p. 295.

should not take to agriculture. The order was so strictly enforced that when a person named Shuraik Ghatfi took to farming in Egypt, 'Umar sent for him, rebuked him sternly and said he would punish him so severely that nobody would ever have the courage to do the same thing again.¹

While on the one hand, 'Umar, by introducing these laws, set up a model of justice and fair-dealing which has no parallel in history, for no conquering race has ever treated the conquered peoples with such generosity, agriculture and the general prosperity of the people, on the other hand, made rapid strides, for Arabs, with their nomadic traditions, could not compare with the original inhabitants of those lands in such occupations. These generous laws also proved very helpful in the extension of conquests. According to a learned French writer, it is an admitted fact that the Islamic system of land revenue administration had much to do with the conquests of Islam. The heavy land taxes which the inhabitants of subject countries had to pay under Roman rule greatly facilitated Muslim conquests. Muslim invaders were opposed not by the people but only by the government. In Egypt, the Coptic cultivators helped the Muslims against their Roman oppressors, while the Christian citizens of Damascus and Hims shut the gates of their cities against the

1. *Ḥasan-u'l-Muḥādīra.*

armies of Heraclius and informed the Muslims that they preferred their rule to the oppressions of the Romans.

It must not be supposed that, in his anxiety to be fair to the conquered peoples, ‘Umar was guilty of any injustice to his own people in forbidding them to engage in agriculture. It was in fact an evidence of ‘Umar’s farsightedness. The true virtues of daring and valour, fortitude, courage and high resolution the Arabs retained only so long as they avoided the profession of agriculture. The day they entered this profession they also lost those great virtues.

In this connection may be mentioned another very equitable principle followed by ‘Umar, namely, that in all matters connected with the assessments and collections of land revenue, he always invited the opinions of the *Dhimmīs*, who were either Parsis or Christians, and gave due attention to their objections and suggestions. Before he decided upon the revenue settlement of Iraq, he ordered his governors to send him two leading ‘Iraqīs with interpreters for consultation.¹

Similarly, in connection with the revenue settlement of Egypt, ‘Umar instructed his governors to consult Muqauqish, the former ruler of Egypt. Not satisfied with this, he sent for a Copt well versed in the question of land taxation and

1. *Kitāb-u’l-Kharāj*, p. 21.

discussed matters with him.¹ This procedure, while it set up a high model of justice and equity, also proved very useful for administrative purposes.

To these things may be added the reforms we have discussed in the beginning of this chapter.

Development of Agriculture

Besides administrative reforms, 'Umar bestowed great attention on the improvement and extension of agriculture. A general announcement was made that anyone who brought new lands under cultivation would be given proprietary rights in those lands. If any person, however, took possession of unbroken land with a view to bringing it under cultivation but failed to do so within three years, he would lose possession of the land. By virtue of this regulation extensive new lands were brought under cultivation in a very short time. The people who had fled their homes at the time of the invasion were invited by public proclamation to return and resume possession of their lands. 'Umar's anxiety for the promotion and fostering of agriculture may be judged from the following story. Once during the invasion of Syria a man came and complained that the Muslim army in their march through his lands had destroyed his crops. The Caliph indemnified him for his loss with ten thousand dirhams forthwith.² Irrigation canals were laid out in conquered lands, and a big department

1. *Maqrizī*, Vol. I, pp. 74, 75.

2. *Kitāb-u'l-Kharāj*, p. 68.

was organized for constructing dams, excavating tanks, and for the building of canals and sluices for the distribution of water. According to Maqrīzī, in Egypt alone one hundred and twenty thousand labourers worked daily throughout the year on these works and were paid out of the public treasury.¹ Juza' b. Mu'aviyah built many canals in the districts of Khuzistan and Ahwaz with the permission of 'Umar, which enabled many new lands to be brought under cultivation. Hundreds of other water-courses were thus built, of which traces are found here and there in books of history.

Kharāj, and 'Ushri Lands

Lands were also classified according to the nature of tenure as Kharāji and 'Ushri. Lands liable to Kharāj or land tax have been dealt with above. 'Ushri were lands owned by Muslims and were of the following categories:

1. Arab lands like those at Madīnah, whose owners had embraced Islam in earlier days.
2. Lands formerly owned by a *Dhimmi* which had passed into the possession of a Muslim by the former's death without issue, or flight from the country, or revolt, or on his formal abandonment of them.
3. New lands not owned by anybody, but brought under cultivation by a Muslim.

1. *Maqrīzī*, Vol. I, p. 76.

All these lands were termed 'Ushri, and as the rates collected from the Muslims were counted as Zakāt, these lands had to pay Zakāt instead of Kharāj, the rate being one-tenth of the produce. The rate had been fixed by the Holy Prophet himself and it continued in the reign of 'Umar. The only change made by the latter was that lands in Persia and other countries which came into the possession of Muslims were assessed to Kharāj if they were irrigated from canals or wells built by the Dhimmīs before the Muslim conquest. Accordingly, 'Abdullah b. Mas'ūd, Khabāb and others who owned such lands had to pay Kharāj thereon. If the Muslim owners themselves built canals or wells for irrigating their lands they paid 'Ushr or one-tenth of the produce as a favour.¹

Though the levy of 'Ushr upon the Muslims in contradistinction to the non-Muslims has the appearance of injustice or national preference, in reality it was not so. Firstly, the Muslims had to pay more items of taxation than the Dhimmīs: they paid Zakāt on cattle, horses and cash, from which the Dhimmīs were entirely exempt. Therefore, this small concession in respect of lands, of which the Muslims possessed the least amount, was in no way at variance with justice and equity. Secondly, 'Ushr could in no case be reduced or remitted, even by the Caliph if he ever desired to do so. Kharāj, on the other hand, could be reduced

1. *Kitāb-u'l-Kharāj*, pp. 35, 37.

as well as entirely remitted, as was at times done. Thirdly, Kharāj was charged only once in the year, whereas ‘Ushr had to be paid on every single crop raised in the year.

2 Other Sources of Revenue

Besides Kharāj and ‘Ushr there were the following sources of the state’s revenues, namely, Zakāt, ‘Ushūr, *jiziya* and one-fifth of the spoils of war. Zakāt was a special tax levied only on the Muslims and no kind of a Muslim’s property or income was exempt from it. Even all kinds of cattle, sheep, goats and camels were taxed.

Zakāt on Horses

The laws of Zakāt had been fully formulated by the Holy Prophet himself. One addition was made in the reign of ‘Umar, namely, that Zakāt was imposed also on horses which were merchandise, though the Holy Prophet had exempted horses from the tax. It must not be inferred from this imposition, however, that ‘Umar, God forbid, did something in defiance of the Holy Prophet. The Holy Prophet’s words applied obviously to riding horses, and to that extent the exemption was maintained. There were no horses of commerce in the days of the Holy Prophet, and the words of the Holy Prophet implied no exemption for these. In any case, this was a new source of revenue under the head of Zakāt, and its levy began in the reign of ‘Umar.

‘*Ushūr*

‘Ushūr were an innovation of ‘Umar and they

began this wise. Muslims who went to foreign lands for trade had to pay an import duty at ten per cent on their merchandise according to the laws of those lands. Abū Mūsā Ash'arī reported the fact to 'Umar who ordered that import duty should be charged at the same rate from merchants of those countries coming to the Muslim countries for trade. The Christians of Mabnaj who had not yet come under the rule of Islam themselves applied to 'Umar by letter for permission to trade in Arabia on payment of 'Ushr (or customs duties at ten per cent). The Caliph gave the permission, and the same rule was extended to Muslims and *Dhimmīs*, though the rates were different, namely, that the foreigners paid ten per cent, *Dhimmīs* five per cent and Muslims two and a half per cent. Gradually, the law was extended to all conquered countries, and a special customs department was established, which yielded a large revenue. The tax was charged only on articles of merchandise, and the goods on which the tax had been paid once were exempt from any further imposition for a year, and the merchants were free to carry them from place to place without being called upon to pay any more taxes. Merchandise of the value of less than two hundred dirhams was exempt. The collectors of customs were also instructed that the duty should be charged only on goods which were brought in openly, and personal luggage should not be searched. *Jizīya* will be discussed later.

CHAPTER V

THE DEPARTMENT OF JUSTICE

THIS department also owed itself to the administrative genius of 'Umar. It is one of the requirements of civilized life that the judiciary should be separate from the executive. Wherever in the world have governments and states been organized, the two departments have undergone separation after a long time. But 'Umar separated the judiciary very early in his reign. Up to the time of Abū Bakr, the Caliph himself and his administrative officers also acted as judges. 'Umar too retained this arrangement in the beginning of his reign, and it was necessary to do so. Until a government gets well established and its administrative machinery becomes sufficiently developed, every department stands in need of the support of prestige and power. In such conditions, therefore, a man who possesses no authority beyond the right of deciding suits cannot carry out even his judicial functions efficiently. It was for this consideration that 'Umar wrote to Abū Mūsa Ash'arī that no man should be appointed a Qādī who did not command public respect.¹ For the same reason 'Umar forbade 'Abdullah b. Mas'ūd to hear suits.

But when the administration became well established the Caliph separated the judiciary from other

1. *Akhbār-u'l-Qudāt* of Muḥammad b. Khalf-u'l-Wakī'.

departments completely, established courts of justice, appointed Qādīs and wrote a *farman* on the principles of judicial procedure, which he addressed to Abū Mūsā A_{sh}'arī, governor of Kūfah, and which comprised all the fundamental principles that courts of justice must observe, and which we reproduce here below.¹ The Twelve Tablets,² the pride of ancient Rome, about which Cicero, the great Roman orator, claims that those laws were more valuable than the writings of all the philosophers, are also before us, and everyone can compare them and judge for himself which set of laws, of 'Umar or of ancient Rome, is better conceived for the promotion of culture and civilization. 'Umar's *farman* is word by word as follows :

1. The *farmān* is reported by Abū Ishāq Shirāzī in *Ṭabaqāt-u'l-Fuqahā'*, and by Baihaqī, Māwardī, Jāhiz, Ibn 'Abd-i-Rabbiḥī and many historiographers and compilers of Ḥadīth.

2. In 451 B.C. the Romans sent a commission to Greece to study the law and formulate a code of laws for the city of Rome. The Commissioners visited Greece and on return prepared a code of laws, consisting of sets of twelve laws on twelve different subjects. These laws were engraved on tablets of lead and remained the code of Rome for ages. The laws relating to judicial procedure were as follow :

1. When you are summoned to court, present yourself at once along with your adversary.
2. If the defendant refuses to attend, produce your witnesses, so that the defendant be brought by force.
3. If the defendant tries to flee, you can hold him by force.
4. If the defendant is ill or too old, give him a conveyance ; otherwise his presence cannot be enforced.
5. If the defendant gives a surety, you should leave him.
6. The surety of a rich person should be a rich person.
7. The judge should decide the suit with the agreement of the parties.
8. The judge shall hear a case from morning to noon.
9. The judgment should be delivered in the afternoon.
10. The court shall remain closed after sunset.
11. If the parties desire to refer their suit to arbitration, they should give sureties.
12. The man who cannot produce witnesses should proclaim his suit aloud before the defendant's door.

These are the laws for which Europe is so proud of Rome!

“Praise to God. Now then, justice is an important obligation. Treat the people equally in thy presence, in thy company and in thy decisions, so that weak despair not of justice and the high-placed have no hope of thy favour. The onus of proof lies on the plaintiff, and he who denies must do so on oath. Compromise is permissible, provided it does not turn the unlawful into lawful and the lawful into unlawful. Let nothing prevent you from changing your decision of yesterday after consideration (if the former decision appears to be incorrect). When you are in doubt on a question and find nothing about it in the Qur’ān or in the *Sunna* of the Prophet, think over the question and think again. Ponder over the precedents and analogous cases, and then decide by analogy. A term should be fixed for the person who wants to produce witnesses. If he proves his case, get him his right. Otherwise, the suit should be dismissed. All Muslims are reliable, except those who have been punished with flogging, or who have borne false witness or are doubtful in inheritance and relationship.”

This *farman* contains the following dicta in respect of court procedure :

1. The Qaḍī, in view of his position as a

- judge, should treat all persons alike.
2. The burden of proof lies as a rule on the plaintiff.
 3. If the defendant has no proof or witnesses, he should be made to take an oath.
 4. The parties to a suit can compromise in all cases except when such a compromise is opposed to the law.
 5. The Qādī can revise his own judgment of his own will.
 6. A date should be fixed for the hearing of a suit.
 7. If the defendant does not present himself on the fixed date, the case may be decided *ex parte*.
 8. Every Muslim is fit to give evidence, except one who has been judicially punished or about whom it has been proved that he has borne false witness.

The soundness of judiciary and justice in the adjudication of disputes depends upon three things:

1. A sound and perfect law, under which decisions should be made.
2. Selection of capable and upright judges.
3. Laws and principles which should prevent the judges from showing favouritism in judging suits through bribery or other unlawful means.

To these may be added a fourth item, namely, that the number of judges should be commensurate

with the number of the population, so that the trial of suits should not suffer delay.

‘Umar provided for these things so well that better could not be done. There was no need to make laws, for the source of the laws of Islam is the Holy Qur’an. But as it does not contain all the details, one has to have recourse to the Prophet’s *Sunna*, *ijmā’* or consensus of opinion and *qiās* or judgment by analogy. ‘Umar reminded the judges of these sources of law and wrote, for instance, in a *farman* to Qādī Shuraiḥ that suits should in the first instance be judged according to the Holy Qur’an. In case he did not find a dictum in the Qur’an on the case in question, he should have recourse to the Holy Prophet’s *Sunna*. In case he did not find the necessary law in the Prophet’s *Sunna*, he should turn to the consensus of opinion among the Muslims. Failing that, he should judge for himself.¹

‘Umar did not content himself with this, but took even greater pains and sent every now and then written judgments or *Fatwās* on difficult and weighty questions to the judges. If these judgments were collected today, they would form a short code of laws, but we cannot go here into further details. If any student desires, he can consult *Kunz-u’l-‘Ummal* and *Izālat-u’l-Khifā*, etc. A number of judgments will also be found in *Akḥbār-u’l-Qudāt*.

1. *Kunz-u’l-‘Ummāl*, Vol. III, p. 174, and *Musnad* of Dāriḥī

The Selection of Judges

The care and insight exercised in the selection of judges may be seen from the fact that the persons selected for the posts were men of distinction throughout Arabia. Zaid b. Thābit¹ was appointed at the capital, namely Madīnah. He had been the amanuensis of the Holy Prophet for recording revelations of the Holy Qur'an, was well versed in Syriac and Hebrew, and had not his equal in the whole of Arabia in the branch of the law relating to "obligations." Ka'b b. Sūr al-Azdī, Qāḍī of Baṣrah, was a man of keen insight and wide understanding, several of whose decisions and dicta have been reported by Imām Ibn Sīrīn.² 'Ibāda b. al-Ṣāmat, Qāḍī of Palestine, was one of those five men who had memorized the Holy Qur'an in the time of the Holy Prophet, and the Holy Prophet had appointed him for the instruction of Aṣḥāb Ṣuffah. 'Umar held him in high esteem, so much so that when Mu'āviyah on one occasion had difference with him, the Caliph relieved him from the authority of the latter.³

Judicial Officers during 'Umar's Caliphate

'Abdullah b. Mas'ūd was the Qāḍī of Kūfah. His scholarship and judicial acumen were beyond question. He is considered the father of the Ḥanafī Law. 'Abdullah b. Mas'ūd was succeeded

1. *Akhbār-u'l-Qudāt.*

2. *Uṣd-u'l-Ghābah*; *Istī'āb* by Qāḍī Ibn 'Abd-'l-Barr.

3. *Istī'āb* of Qāḍī Abd-u'l-Barr.

in 19 A.H. by Qādī Shuraiḥ who, though not a Companion, was famed throughout Arabia for his intelligence and sagacity and is mentioned to this day as a model for judges. ‘Alī used to call him *Aqd-u’l-‘Arab* or the most judicious of all the judges of Arabia. Other judges besides these were Jamīl b. Ma‘mar al-Jamḥī, Ibn Maryam al-Ḥanafī, Salmān b. Rabī‘at-u’l-Bāhalī, ‘Abd-u’r-Raḥmān b. Rabī‘ah, Abū Qarat al-Kindī and ‘Imrān b. al-Ḥaṣīn. Their judicial excellence may be seen from the biographical literature of the period.

*Appointment of Judges after Practical Test and
Personal Experience*

The Qādī was subordinate to the provincial governor or the district officer, and these officers had the right to appoint judges. But ‘Umar, for greater care, often made the selection himself. For selection the candidate’s own reputation usually sufficed, but ‘Umar, not content with this, often made the selection after personal test and experiment.

For instance, Qādī Shuraiḥ’s appointment came this wise. ‘Umar purchased a horse on approval, and gave it to somebody to try it. The horse got hurt in the ride, and ‘Umar wanted to return it, but the owner refused to take it back. A dispute arose and Shuraiḥ was asked to arbitrate. He gave the award that if the horse was ridden with the owner’s permission, it may be returned ; otherwise not. ‘Umar said that this was the right

decision and at once appointed him Qāḍī of Kūfah.¹ A similar thing happened in the case of Ka'b b. Sūr al-Azdī.

Steps against Illegal Gratifications

Several steps were taken to prevent illegal gratifications, among them being :

1. Salaries were fixed high so that there be no need for additional incomes. For instance, Salmān Rabī'ah and Qāḍī Shuraiḥ were each paid five hundred dirhams a month, which was quite sufficient in the economic conditions of those days.

2. The rule was made that no man who was not wealthy and high-placed should be appointed a judge. In a *farman* to Abū Mūsā Ash'arī, governor of Kūfah, 'Umar explained the reason for the rule, saying that a wealthy man would not have the temptation to take bribes, and a man of high position would not be influenced in his decisions by anybody's social position.²

Besides, Qāḍīs were not permitted to engage in trade or buy and sell in the bazaars, a rule that has been adopted in civilized lands after ages of experience.

Equality in the Administration of Justice

Sense of equality is one of the indispensable prerequisites of the administration of justice, and the prince and the peasant, the rich and the poor,

1. *Kitāb-u'l-Awāyil.*

2. *Akhbār-u'l-Qudāt.*

the high and the low should all be put on the same level in a court of law. 'Umar took so much care to impress this principle upon his judges that he himself went to court on several occasions as a party to suits. Once he had a dispute with Ubayy b. Ka'b who lodged a suit against the Caliph in the court of Zaid b. Thābit. 'Umar appeared as a defendant. Zaid showed him honour. "This is your first injustice," said 'Umar who then sat down alongside of Ubayy. Ubayy had no proof, and 'Umar denied the plaint. According to usage, the plaintiff desired that 'Umar should take an oath. In view of the defendant's position as Commander of the Faithful, Zaid requested Ubayy to waive his right of oath. 'Umar was annoyed at this partiality and, addressing Zaid, said, "If 'Umar and any other man are not equal in your eyes, you are not fit for the post of a judge."

The laws and principles enforced by 'Umar in respect of judges and their administration of justice proved so successful that not only in his own reign but up to the period of the Umayyads, judges on the whole remained free from the suspicion of injustice and oppression. Abū Halāl 'Askarī says in *Kitāb-u'l-Awāyil* that the first Qāḍī who acted unjustly in Islam was Bilāl b. Abī Barw (in the time of Umayyads).

Number of Judges Proportionate to Population

Judges were sufficient in number in respect of

the population, for there was no district which did not have its Qāḍī. As non-Muslims were permitted to settle their disputes among themselves, they but rarely came to Muslim courts. One Qāḍī, therefore, sufficed for a district.

Evidence of Experts

The innovations introduced by 'Umar in the department of justice and in the law of evidence would be described later, when we come to speak of his judicial dicta. One of them related to the evidence of experts, *i.e.*, in suits involving questions of technique, experts of the particular science or art in question were called to give evidence in court. For instance, Ḥaṭiyya wrote against Zabārqān b. Badr a satirical couplet, in which, however, the point of satire was not apparent. Zabārqān lodged a complaint in the court of 'Umar himself. It was a case of poetical technique, and poetical terminology and turns of expression are different from those of common speech. 'Umar, therefore, invited Ḥassān b. Thābit, a poet of great distinction and eminence, to give evidence, and delivered judgment in accordance with his expert opinion. Similarly, experts of physiognomy were called as witnesses in cases of disputed heredity. Several cases of this nature are reported in *Kunz-u'l-'Ummāl* (chapter on *Al-Qazaf*).

Though 'Umar devised many laws and regulations for the better and more efficient administration of justice, he saw to it that they should not interfere

with the accessibility of the courts or make justice expensive. His greatest anxiety was that justice should not be expensive and the courts should be easily accessible to all. Now-a-days, administration of justice has become so complicated and expensive in civilized countries that those who want the help of the law would rather abandon their suits than go to courts. But 'Umar's laws were so simple and easy that nobody had the least difficulty in seeking justice, and the Caliph was ever anxious about it. It was in view of this policy that no separate court-houses were built, and mosques were used for the purpose, for the publicity and freedom from any restraints obtainable in mosques could not be had anywhere else. No expenses had to be borne in the prosecution of suits, and the courts were accessible to all without let or hindrance. Judges were especially directed that if any poor man from the common masses came as party to a suit, he should be treated with gentleness and courtesy, so that he should not feel overawed and should be able to state his case without fear.

CHAPTER VI

THE INSTITUTION OF JURISCONSULTS

THIS institution is a necessary branch of the department of justice. It was established in the very beginning of Islam and is not to be found anywhere except in Islam. One of the first principles of the administration of justice is the presumption that everybody knows the law. If anyone commits a crime, it is not open to him to plead that he did not know that the deed was a crime. That ignorance of the law is no excuse is an established principle in the whole world, and modern civilized countries lay great emphasis on it. That the principle is sound there is no doubt, but the most remarkable thing is that nations other than Islam have made no provision that knowledge of the law should become general. Education is general in Europe, but it has not reached and cannot reach the stage at which everyone should become versed in law. If a person ignorant of the law wants to know it, there is no way for him (except going to a lawyer or a law college). But in Islam there was a special institution for meeting this requirement, which was called the institution of legal consultation (*iftā'*). Capable jurists called *Fuqahā* were appointed at every town or large centre of population. Anyone who wished to inquire about a point of law went to the juris-

consults, and it was the duty of the latter to enlighten the inquirer with great care and by thorough research if necessary, so that everyone could obtain the necessary information about the law, and nobody had cause to plead ignorance of it. The institution grew up of itself in the very beginning of Islam and exists to this day, but the efficiency and perfection it attained in the days of ‘Umar was not maintained afterwards and had not been attained in the time of Abū Bakr.

Mufts in ‘Umar’s Caliphate

To ensure efficiency in the working of this institution it is most necessary that permission to make such pronouncements on law should not be general, lest ill-educated or irresponsible persons spread wrong interpretations of the law, but that capable, learned and responsible men only should be appointed for the work. ‘Umar always kept this principle in view, and with the exception of the men whom he had appointed, namely, ‘Alī, ‘Uthmān, Mua‘dh b. Jabal, ‘Abd-u’r-Raḥmān b. ‘Auf, Ubayy b. Ka‘b, Zaid b. Thābit, Abū Huraira, Abū Dardā’ and others, nobody had the right to pronounce on the law. Shāh Waḥjullāh writes in *Izālat u’l-Khifā*¹: “In the beginning the right to preach and pronounce opinions on the law depended on the permission of the Caliph, and without such permission nobody preached or gave opinions on the law. In later

1. *Izālat-u’l-Khifā*, p 130.

times, however, people began to deliver sermons and pronounce opinions on the law without the Caliph's permission." Instances are reported in books of history of men who gave opinions on the law, though they did not have the Caliph's permission, and who were forbidden by 'Umar to do so, as once happened even in the case of 'Abdullah b. Mas'ūd.¹ 'Umar was so careful in these matters that occasionally he examined even those who had been appointed for the work. Abū Ḥuraira was asked several times what opinion he had given in such and such questions. On hearing his replies 'Umar told him that if he had pronounced differently, he would not have been permitted again to pronounce opinions on the law.

Another important provision for the efficient working of the institution is that the names of the *Muftis*, i.e., men who pronounce opinions on the law, should be announced publicly. There were no official gazettes or newspapers in those days, but there was no better means of publicity than public assemblies, and the names of the *Muftis* were proclaimed in such assemblies. For instance, in the course of his address to a large concourse of people at Jābīah during his journey to Syria, 'Umar proclaimed: "He who wishes to learn the Holy Qur'an should go to Ubayy b. Ka'b; one who wants to know about duties should go to Zaid, and one who wants to know the law should go to Mu'ādh."

1. *Izālat-u'l-Khifā'*, p. 130, and *Masnad* of Dārimī.

CHAPTER VII

THE DEPARTMENTS OF CRIME AND POLICE

SO FAR as we have been able to inquire, 'Umar did not establish separate department for the trial of criminal offences. Certain cases like those of adultery and theft were tried by the Qādis, while preliminary proceedings came within the jurisdiction of the police. The Department of Police was put on a permanent footing and was called *Aḥdāth* at the time, while a chief of the police was called *Ṣāhib-u'l-Aḥdāth*. When Qudamah b. Maz'un and Abū Huraira were appointed to Bahrain, the former was entrusted with the collection of revenues, while the latter was expressly vested with the powers of police. Necessary provision was made and officers were appointed at all places for carrying out the duties of censorship, for example, the scrutiny of weights and measures, security of freedom of roads from obstruction by building houses thereupon, prevention of overloading of animals, prohibition of the public sale of liquor, etc., etc., but it is not clear whether censorship formed a separate department or whether these duties were also entrusted to *Ṣāhib u'l-Aḥdāth*. The *Kunz-u'l-Ummāl*, where it reproduces the report of Ibn Sa'd that 'Umar appointed 'Abd-u'llah b. 'Utbah to supervise the market, also states that the establishment of jails by 'Umar was the

beginning of the censor's department.

Establishment of Jails

One of the innovations of 'Umar in connection with the police department was the establishment of jails; for before him there were no jails in Arabia, and this was one of the reasons why punishments were so severe. The first jail established by the Caliph was in the house of Ṣafwān b. Umayyah which he purchased for four thousand dirhams and converted into a jail.¹ Other jails were opened later in the districts. It appears from Balādhuri's statement that the jail of Kūfah was built of reeds.² Only criminal offenders were sent to jails at the time; but later Qādī Shuraiḥ put judgment debtors as well in jail.

On the establishment of jails, some changes were also made in punishments. For instance, Abū Maḥjan Thaḳfī was repeatedly punished for drinking wine and was at last sent to jail instead of being flogged.

Punishment by deportation was also an innovation of 'Umar. For instance, Abū Maḥjan was awarded this punishment once and was deported to an island.³

1. *Maqrizi*, Vol. II, p. 187.
2. *Futūḥ-u'l-Buldān*, p. 463.
3. *Uṣd-u'l-Ghābah*.

CHAPTER VIII

THE PUBLIC TREASURY

THIS department also owed itself to the administrative genius of 'Umar. The last amount received at the capital in the lifetime of the Holy Prophet was eight lakh dirhams on account of the land tax from Baḥrain. The whole of it was distributed among the people by the Holy Prophet at one sitting. Abū Bakr too maintained no treasury during his Caliphate and forthwith distributed among the people whatever was received by way of spoils of war, each person receiving ten dirhams in the first year and twenty in the second. This is the report of *Kitab-u'l-Awāyil* and Ibn Sa'd. According to another report of Ibn Sa'd, Abū Bakr specified a house for the treasury, but it always remained closed; for whatever moneys were received for state exchequer were forthwith distributed among the deserving, and the stage was never reached of putting anything in the treasury. When accounts of the public treasury were checked on his death, the balance of only one dirham was found.

Establishment of the Public Treasury

In about 15 A.H., 'Umar appointed Abū Huraira the governor of Baḥrain. At the end of the year he brought five lakhs dirhams with him. 'Umar called the

consultative assembly, informed them of the receipt of a large treasure from Bahrain and asked them what was to be done with it. 'Alī said whatever moneys were received should be distributed year by year and should not be stored in the treasury. 'Uthmān opposed the proposal while Walīd b. Hishām said that he had seen in Syria that the treasury and the office of accountancy were maintained separately.

If they had been a people like those of our own age, they would have turned up their noses at the idea of imitating a people of another faith. But 'Umar approved of the notion and laid down the foundations of a public treasury. A central treasury was established first of all at the capital. An upright and capable man was needed for its management and supervision.

Officers of the Public Treasury

'Abdullah b. Arqam, a most eminent Companion well versed in office work, was appointed officer of the treasury. A number of capable men were also appointed to assist him in his work. 'Abd-u'r-Raḥmān b. 'Ubaid-u'l-Qārī and Mu'iqib among them. Mu'iqib had the distinction of having been the Holy Prophet's seal-bearer, and his honesty was for this reason beyond a shadow of doubt.

Besides the capital, treasuries were also established at provincial headquarters and other central places. Though the heads of administration in those places had full power over the treasuries, the

latter formed a separate department and had their own officers. For instance, Khālid b. Ḥarth and ‘Abd-ul’lah b. Mas‘ūd were treasury officers respectively at Iṣphahān and Kūfah.

Buildings for the Treasury

‘Umar was very economical in the matter of buildings, but for treasuries he built strong and grand buildings. A palace designed by Rūzbih, a famous Magian architect, was built for the treasury at Kūfah, the building material for which came from the buildings of the Chosroes of Persia. But when the house was broken into and a theft took place, ‘Umar instructed Sa‘d Waqqāṣ that the treasury house should be joined on to the mosque, as the latter would always be full of people and safety of the treasury would be ensured. Accordingly, Rūzbih extended the treasury building by the order of Sa‘d Waqqāṣ and joined it on to the mosque. Fear of thefts was thus removed.¹

It appears that for purposes of greater security a guard of soldiers was posted at the treasury in later times. Balādhurī reports that when Ṭalḥah and Zubair rose in rebellion against ‘Alī, went to Baṣrah and tried to seize the treasury, they found there a guard of forty “Siabajah” soldiers who resisted their attempt. About the Siabajah the same writer says that they had come as prisoners of war from Sind and had entered the Persian army. When

1. Ṭabarī: *Tārīkh*.

'Umar conquered Persia, these people embraced Islam, and Abū Mūsā had them settled at Baṣrah.¹

The routine procedure at the district and provincial treasuries was that the amounts required for the expenditure of the local governments were retained and the rest of the money was remitted to the central treasury at Madīnah at the end of every year, and 'Umar used to send frequent instructions to the local officers in this behalf. It is difficult to ascertain how much money was kept at the various treasuries. But it appears from Ya'qūbī's report that the salaries and stipends disbursed from the central treasury among the inhabitants of capital amounted to three crores a year.

Historians of the period mention some very interesting anecdotes showing the great care 'Umar bestowed on the safety of the public exchequer, which, however, we must pass over.

1. *Futūḥ-u'l-Buldān*, pp. 373-376.

CHAPTER IX

THE PUBLIC WORKS DEPARTMENT

THIS department as a permanent fixture is a modern institution, and that is the reason why there is no technical equivalent of it in the Arabic language. In Egypt and Syria the name has been rendered into *Nazārāt-i-Nāfi'ah*. The department is responsible for the construction and maintenance of government buildings, canals, roads, bridges and hospitals. No separate department was organized for these things under 'Umar, but with the exception of hospitals, provision was made on an organized and extensive scale for all other things comprised in this department.

The canals built by 'Umar for the promotion of agriculture have already been briefly mentioned in connection with the land revenue department. Here we shall speak of those canals which were not related to agriculture.

Canals dug during 'Umar's Caliphate

Abū Mūsa Canal.—This canal was nine miles long. The story of its construction is as follows. A deputation of the people of Baṣrah once waited upon 'Umar. As was usual on such occasions, the Caliph made inquiries about the condition of the town. Among the deputationists was Hanīf b. Qais who made a very forceful speech which is preserved word

by word in books of history. He complained that the water of Baṣrah was brackish and they had to bring drinking water from six miles away. 'Umar at once sent an order to Abū Mūsā Aṣh'arī that a canal should be built for the people of Baṣrah. Accordingly, a canal was cut from the Tigris and brought nine miles down to Baṣrah, which ensured plentiful supply of water to every home.¹

Ma'qal Canal.—This is a famous canal, about which there is an Arabic saying: "When Allah's canal came, Ma'qal's Canal became useless." It was cut also from the Tigris and was built under the supervision of Ma'qal b. Yaṣar, who was a pious Companion. Accordingly, the canal became known after his name.

Sa'd Canal.—The inhabitants of Anbar had requested the emperor of Persia for the construction of this canal before the conquest of Islam. When Muslim rule was established, they made the same request to Sa'd Waqqāṣ, the governor of Kūfah. Sa'd appointed Sa'd b. 'Umar for the execution of the work. The latter set out about it very energetically, but the excavations were interrupted at some distance by a mountain that came in the way and the work was abandoned. Ḥajjāj had a channel cut through the mountain and completed the canal, which, however, continued to bear Sa'd's name.

The biggest and the most useful canal built by a special order of 'Umar was the one which came to

1. *Futūḥ-u'l-Buldān* and the *Geography of Bashārī*.

be called Amīr-u'l-Mu'minīn's Canal and which joined the Nile to the Red Sea. Its story briefly is this. There was a general famine in Arabia in 18 A.H. 'Umar commanded all his district and provincial officers to purchase large quantities of food stuffs and send them to Arabia. The order was complied with, but the land routes from Syria and Egypt were so long that the import of food stuffs from these countries proved very tardy. To overcome these difficulties 'Umar invited 'Amr b. al-'Āṣ, governor of Egypt, to come to Madīnah and bring with him a party of Egyptians. When they arrived at the capital, the Caliph told them that if the Nile were connected with the Red Sea, Arabia would never have any fear of scarcity, for the carriage of food stuffs by the land route was tedious and slow. 'Amr went back, took the work in hand and built a canal from Fuṣṭāṭ (ten or twelve miles from Cairo) to the Red Sea. The river was thus joined to the sea, so that ships sailing from the Nile by this canal and crossing the Red Sea came to Jaddah, the port for Madīnah. The canal was nearly sixty-nine miles long and what is most surprising was completed in six months. In the first year twenty big ships laden with sixty thousand *arubs* of grain sailed by this canal and came to the port of Madīnah. The canal remained in service for a long time and proved of great advantage to the commerce of Egypt. After the time of 'Umar b. 'Abd-u'l-'Azīz, it became choked up at several places through the negligence of local officials, until it became completely blocked

at a place called *Dhanb-u'l-Tamsāh*. *Manṣūr* the 'Abbāsīd closed it in 105 A.H. in pursuance of a private policy, but it was opened up again later and continued to work for a long time afterwards.¹

It is a most remarkable fact that 'Amr b. al-'Āṣ conceived the plan of joining the Mediterranean Sea to the Red Sea by means of a canal, for which he had even selected a route, namely, that it should start from *Farmā*, by which the distance between the two seas is only seventy miles. When 'Umar was informed of the plan, he disapproved of it and said, if the canal were built, it would open the way for Greek men-of-war to the Red Sea, which would come and plunder the pilgrim ships.² If 'Amr b. al-'Āṣ had been granted the permission, the credit for opening the Suez Canal would have gone to the Arabs.

Buildings Erected by 'Umar

The building which 'Umar erected were of three kinds :

- (a) Religious buildings like mosques which will be mentioned more fully under the head of Religion. It will suffice here to note that according to the author of *Rauḍat-u'l-Aḥbāb* four thousand mosques were built.
- (b) Military buildings, like forts, cantonments and barracks. Details will be given under

1. *Suyūṭī's Hasn-u'l-Muḥādirah*, pp. 93, 94, and *Maqṣīdī*, Vol. I, p. 78, Vol. II, pp. 139-144.

2. *Abu'l-Fidā' : Taqwīm-u'l-Buldān*, p. 106,

the head of army administration.

(c) Civil, e.g., administrative buildings called *Dār-u’l-Amārat*. Details about such buildings are not known, but they may be classified as follows :

1. *Dār-u’l-Amārat*, i.e., houses for the residences and offices of the provincial and district officers. Ṭabarī and Balādhurī give some details about these buildings.
2. *Diwan*, where official records were kept. Army officers were also housed in these buildings.¹
3. *Bait-u’l-Māl*, i.e., the public treasury. These buildings were built very strong. Mention has already been made of the *Bait-u’l-Māl* of Kūfah in the chapter on the Public Treasury.
4. *Prison Houses*. The prison house of Madīnah has already been mentioned in the chapter on Police. The jail of Baṣrah was comprised in the local *Dār-u’l-Amārat*.
5. *Guest Houses*. Visitors from outside who came to towns for a few days were lodged in these houses. Balādhurī writes of the guest house of Kūfah: “‘Umar ordered that a house should be built for those who come from outside;

1. *Futūḥ-u’l-Buldān*, p. 347.

so the people were lodged in that house." ¹ The guest house of Madīnah was built in 17 A.H. Ibn Ḥabān speaks of it in *Kitāb-u'l-Thaqāt*.

It seems to be necessary to remark in this connection that these buildings should not be considered to have any grand edifices. Islam does not permit showy extravagance. Later ages saw what they saw, but at the time we are speaking of it retained its pristine simplicity, and 'Umar was extremely anxious that simplicity should not be abandoned. Besides, the ruler did not possess autocratic power over the *Bait-u'l-Māl* at the time. The public treasury was looked upon as the property of the nation, and the right use of money in the eyes of the people was that it should be spent upon men rather than upon bricks and mortar. These ideas remained effective for long, so much so that when Walīd b. 'Abd-u'l-Malik spent a huge sum on building the Jami' Masjid of Damascus, it spread much ill-feeling in the public, and the people openly said that public funds were not meant for such extravagant expenditure. In any case public edifices built in the reign of 'Umar were usually of bricks and mud. The government house of Baṣrah was built of the same material.² Only army buildings were built very strong.

1. *Futūḥ-u'l-Buldān*, p. 278.

2. *Ibid.*, p. 347.

Laying of Roads and Construction of Bridges

Provision for roads and bridges was also excellent, though it was not directly under state management. The treaties concluded with the conquered peoples contained the stipulation that they would maintain roads and bridges at their own expense and under their own supervision. When Abū 'Ubaida conquered Syria, the condition was included in the treaty.¹

Though Madīnah had been the centre of pilgrimage for ages, the roads leading to it were in ruins and waterless. When 'Umar visited the Holy City in 17 A.H., road houses, inns and wells were built at every stage along the whole route from Madīnah with the Caliph's permission.² Shāh Walī'ullah writes in *Izālat-u'l-Khifā'*: "Among other things, when 'Umar went to Madīnah one year on the smaller pilgrimage (*'Umrah*) and was about to return he commanded that at all the stages between the two sacred cities shelters should be built, and the wells that had become choked should be cleaned, and at stages which were short of water wells should be dug, in order that pilgrims should be able to make the journey in comfort."

1. *Kitāb-u'l-Kharāj*, p. 82; *Ṭabarī*, p. 2470.

2. *Ṭabarī*, p. 2529; *Balādhurī*, p. 53.

CHAPTER X

THE FOUNDING OF CITIES

THE cities founded in the time of 'Umar, the needs that led to their foundation and the peculiarities in their construction, each forms a page of the history of Islam. Of the cities, Baṣrah and Kūfah for long remained witnesses of the glory of Islam. It was here that the science of Arabic Syntax was founded, and the two cities remained centres of the study of this part of Arabic literature. The Ḥanafi Law, which is accepted far and wide in the Islamic world, had its origin at Kūfah. For these reasons it would not be out of place to speak in some detail of the founding of cities and their populations.

Baṣrah

It has been stated in the first volume that 'Umar, for security against sea raids from Persia and India, appointed 'Utba b. Ghazwān in 14 A.H. to build a city near the port of Aballah where ships from India and Persia plying in the Persian Gulf used to anchor. The site and aspect of the proposed town were determined by 'Umar himself. 'Utba went with eight hundred men and came to Kharībah where Baṣrah now stands. The site was empty desert at the time. The land was gravelly; water and pasture-lands were available, and the whole tract suited the Arab temperament. 'Utba laid the

foundations of the town, divided the area into quarters for tribal units and built small houses for them of mud and straw. 'Āsim b. Dalf was given the task of assigning the quarters to the various tribes. Of the state buildings, the Jāmi' Masjid and the government house, which included the secretariat as well as the jail, were the most distinguished. A fire broke out in 17 A. H. and many houses were burnt down. Sa'd b. Waqqāṣ, the then governor of Kūfah, sent a deputation to seek the Caliph's permission to build brick houses. The permission was given, but with the reservation that nobody should be permitted to build more than three rooms.

The Tigris flows at a distance of about ten miles from Baṣrah.¹ A canal was brought from the river to the town by the command of 'Umar, as has been stated in the last chapter. The population of Baṣrah increased by leaps and bounds until in the reign of Ziad b. Abī Sufyān the people whose names were on the army register alone numbered eighty thousand, while their children and grand-children numbered one hundred and twenty thousand souls.

That the soil of Baṣrah seems to have been very much suited to the growth of learning and literature

1. According to Arab lexicographers, Baṣrah was so named because the word in Arabic means gravelly soil, and the soil of Baṣrah was of this nature. A Magian scholar's suggestion cited in *Mu'jam-u'l-Buldān* seems to be more reasonable. According to him the name in reality was *bis-rāh* in Persian which means "many roads," and as the locality was the meeting-place of many roads, the Persians called it by this name. The suggestion is further supported by the fact that buildings erected by Arab kings in neighbouring territories were all given Persian names, for instance, Khurnaḡ which was really *Khur-nagah*, and Sidir which in Persian was *sih-dar*.

may be judged from the fact that foundations of Arabic learning were laid here. The first Arabic dictionary ever written was compiled in this city. It was named *Kitāb-u'l-'Ain* and came from the pen of Khalīl Baṣrī. The study of Arabic prosody and the development of music also began at Baṣrah. Saibwīyah, the first writer on Syntax, received his education here, and Ḥasan Baṣrī, one of the leading Imāms of Islam, was born on the soil of Baṣrah.

Kūfah

Another city which became even more famous than Baṣrah was Kūfah. When Madā'in was conquered, Sa'd Waqqāṣ reported that the climate was telling upon the Arabs. 'Umar replied that the climate of Madā'in would not suit the Arabs and a place should be looked out which should have the characteristics of both sea and land. Accordingly Salmān and Ḥudhaifa, who were appointed for such purposes, selected the sight of Kūfah. The soil was sandy and gravelly, and for this reason the place was named Kūfah. Before Islam, the dynasty of Nu'mān b. Mundhir, who ruled over Iraq, had their capital here, and their famous buildings Khurnaq and Sidir were situated near by. The aspect of the land was pleasant, and the site was only two miles from the Euphrates. The Arabs called it *Khadd-u'l-'Adhrā'*, or the Beloved's Cheek, as Arab flowers such as Uḡhawān, Shaqāiq, Qaiṣūm and Khazāmī grew there in abundance.

The city was founded in 17 A.H. and, as 'Umar had expressly commanded, houses sufficient to lodge forty thousand persons were built. Arab tribes were allotted separate quarters under the supervision of Hayaj ibn Mālik. 'Umar had also given clear instructions with regard to the plan of the city as well as its construction. Accordingly the principal streets were forty cubits wide, those of second class thirty cubits wide and those of the third, twenty cubits, while the side-lanes were seven cubits wide. The Jāmi' Masjid was built on a raised square platform and was so big that forty thousand persons could pray in it at one time. Wide areas were left vacant around it on all sides.

Houses were originally built of straw, but, as already stated in connection with Baṣrah, when fire broke out, they were rebuilt of brick and mud under the Caliph's permission. In front of the mosque was built a vast pavilion, two hundred cubits long, which was supported on pillars of marble that were procured from the palaces of the ancient emperors of Iran. One fact should be remembered in this connection. There was no heir to the palaces of the Chosroes, and, according to the usages of the states, the Caliph of Islam was their only rightful heir. But 'Umar who had different ideas about the rights of states paid the price of those pillars to his Magian subjects: their estimated price was credited to their *jizīya* account, the amount of the latter being reduced accordingly.

At a distance of two hundred cubits from the mosque was built the government house which comprised the public treasury as well. A public guest house was also added, in which travellers were lodged. They received their food from the *Bait-u'l-Māl*. A theft took place in the treasury shortly after, upon which 'Umar, who was kept posted about every occurrence, instructed Sa'd that the government house should be joined to the mosque. Accordingly, as stated in a previous chapter, Rūzbih, the famous Parsi architect who was in charge of building operations, extended the government house to join it to the mosque in a very skilful manner. As a compliment, Sa'd sent the architect with a few of his assistants to the capital, where they were welcomed by the Caliph and he was granted a stipend for life.

Besides the Jāmi' Masjid, separate mosques were built for each quarter of the city. Among the people settled in Kūfah were twelve thousand from Yaman and eight thousand of the Nazār clan. Other tribes settled were Sulaim, Thaqīf, Hamdān, Baḥilah, Nīm-u'l-Lāt, Taghlab, Banī Asad, Nakha', Kindah, Azd, Mazainah, Tamīm, Muḥārab, Asad and 'Amir, Bajālah, Jadīlah and Akhlāt, Juhaina, Muzḥaj, Hawāzin, etc., etc.

In 'Umar's own lifetime the city came to attain such greatness and splendour that the Caliph called it the head of Islam. It had indeed become a centre of Arab power. The population continued

to expand in later times, but retained its original Arab character by the fact that most of the new settlers were Arabs. When a census was taken in 64 A.H., it was discovered that fifty thousand houses belonged to the tribes of Rabī'a and Muḍar, and twenty-four thousand to other tribes, besides six thousand of the Yamanites.

No doubt, changes and developments of later times obliterated the traces of ancient buildings, it is yet no matter of small surprise that traces of some ancient buildings continued in existence for ages afterwards. Ibn Baṭūṭah, who visited the sacred city in the eighth century of Hijra, writes in his *Travels* that the foundations of the government house built by Sa'd b. Waqqāṣ were still extant.

The place of Kūfah in the history of learning is distinguished by the fact that the science of Syntax took its birth here, and it was here that Abu'l-Aswad Duḥlī systematized the first principles of Syntax. The foundations of the Ḥanafī Law were also laid here. It was in Kūfah that Imām Abū Ḥanīfah founded the society for the development of *Fiqh* by cooperation with men like Qaḍī Abū Yūsuf. Among the great masters of the sciences of Ḥadīth and *Fiqh* and other branches of Arabic learning born in Kūfah, Ibrāhīm Nakḥa'ī, Ḥammād, Imām Abū Ḥanīfah and Imām Shu'bi, were the luminaries of the age.¹

1. For accounts of Baṣrah and Kūfah see Ṭabari, *Balādhuri* and *Mu'jam-u'l-Buldān*.

Fustāt

When 'Amr b. al-'Āṣ conquered Alexandria, most of its Greek population evacuated the city. Finding their houses vacant, 'Amr b. al-'Āṣ thought of making it his capital and wrote to the Caliph for permission. 'Umar had apprehensions about communications and did not like the idea of having a river intervening between himself and a provincial capital. At the time of founding the cities of Baṣrah and Kūfah, too, he had instructed his officers to choose sites so that no river should intervene between Madīnah and these cities. As Alexandria was on the other side of the Nile, the Caliph did not approve of the provincial capital being located in that city.

'Amr b. al-'Āṣ left Alexandria for Qaṣr-u'l-Shama' where he found his tent which he had left behind before his attack on Alexandria still standing. He put up in the same tent and laid up the foundations of a new city at the same place. As before, separate quarters were built for various tribal units and Mu'āviyah b. Khadij, Shuraik b. Samī, 'Amr b. Maḥzam, Haiwīl b. Naṣhīrah were assigned the duty of allotting quarters to the different tribes.

The names of the quarters built at the time and the tribes settled therein have been given in detail by Maqrīzī. Special attention was paid to the construction of the Jāmī' Masjid. According to popular tradition, eight Companions joined to fix

the direction towards the Qiblah, among them being Zubair, Miqdād, ‘Ibādah and Abū Dardā’ and some other eminent personages. The mosque was fifty yards long and thirty yards wide, and had three gates, one of which opened towards the government house. There was a distance of only seven yards between the two buildings.

‘Amr b. al-‘Āṣ had a special house built for ‘Umar, but when the latter wrote back that he could make no use of it, a bazaar was built in its place. As the founding of the city had started with a tent, it received the name of Fustāṭ, which in Arabic means a tent. The town was founded in 21 A.H.

Fustāṭ made rapid progress and became the centre of Egypt in place of Alexandria. In the reign of Mu‘āviyah, those of its Arab inhabitants whose names were on the army register totalled forty thousand. According to Qudā’ī, the city once possessed thirty-six mosques, eight thousand roads and eleven hundred and seventy public baths. Maqrīzī devotes several pages to describing its extent, abundance and oppulence. The city remained the capital of the rulers of Egypt and a centre of culture and advancement for a long time. Baṣhārī who made a world tour in the fourth century of Hijra writes of this city in his *Geography*: “This city is the eclipser of Baghdād, the treasure-house of the West and the pride of Islam. In no mosque in the whole Muslim world are held as many

learned gatherings as here, nor is any city visited by as many ships."

Muṣal

The town was in existence even before Islam, but was no more than a fort with a few Christian churches and monasteries in its neighbourhood. 'Umar had it rebuilt as a town. The foundations were laid by Harthama b. 'Arfaja, and several Arab tribes were settled in different quarters. A Jami' Masjid was also built.¹ The city had a special political standing, for it was the meeting-place of the East and the West, and perhaps for this reason was named Muṣal. Yāqūt Ḥamwī says: "They say the world has three big cities, Nīshāpūr which is the gateway of the East, Damascus which is the gateway of the West, and Muṣal which is the pathway of the East and the West; to whichever place one wants to travel, one has to pass through this city."

This city also made great progress. Detailed descriptions of its extent and grandeur may be seen in the pages of *Mu'jam-u'l-Buldān* and *Baṣḥārī's Geography*.

Jīzah

Jīzah is a small town situated on the west bank of the Nile over against Fuṣṭāṭ. On his return to Fuṣṭāṭ after the conquest of Alexandria, 'Amr b. al-'Āṣ left a portion of his forces consisting of the tribal units of Himyar, Azd and Hamdān on the

1. *Futūḥ-u'l-Buldān*, pp. 331-332.

other side of the river to check the Romans, in case they tried to attack from that side. After the city of Fustāṭ had been built, 'Amr b. al-'Āṣ desired to call them over. But they had become so enamoured of the excellent view of the river that they did not wish to leave the place, but argued instead that they had come for *Jihād* and could not abandon such a sacred purpose to go to any town. 'Amr informed the Caliph of the situation. Though 'Umar feared the very name of a river, in view of the troops' insistence he gave the permission, but at the same time ordered the construction of a fort for their protection. Accordingly, the foundations of the fort were laid in 21 A.H. and the following year it was ready. It remains to be told, however, that when the building operations started, the troops of the Hamdān tribe declared they would not live behind the walls of a fort like cowards. "Our swords are our fort," they said. So this tribal unit and some units from other tribes put up their tents in the open plain outside the fort and continued to live there. By the blessings of 'Umar's Caliphate, even this small town did not remain without its place in the history of learning, as some great scholars and experts of Hadīth were born here. The names of some of them are preserved in the pages of *Mu'jam-u'l-Buldān*.

CHAPTER XI

THE ARMY

THOUGH mighty kingdoms had existed in the world before Islam whose relics survived even in the days of the empire of Islam, their military systems were ill-organized and often at variance with the principles of statecraft.

Military Organization in the Roman Empire

In the Roman Empire which extended over the whole Mediterranean world and beyond, the military organization was of the feudal kind. Men of birth and rank who had talents for the art of war were granted big estates on condition that at the time of war they would supply the state with so many troops. These war lords had their estates all over the Empire and maintained a number of troops who had, however, no direct relation with the state, with the result that when any war lord rose in rebellion, their troops fought under them against the government. This feudal system with its barons, counts and dukes was spread all over Europe. The war lords had under them smaller landlords, so that the military caste was divided into ranks upon ranks.

In Iran

The same system prevailed in Persia. The people who were called *Marzbāns* and *Dahqāns* in

that country were the same kind of war lords. The system gradually undermined the Roman Empire, and it is now universally recognized that it was a very bad system.

In France

In earlier times French soldiers received no salaries, and depended only upon the spoils of war. In time the feudal system became well established in the country which continued right into the modern times.

In Arabia the kings of Yaman and others had no regular military organization. In the earlier days of Islam there was no need for one. The only development that took place in the reign of Abū Bakr was that spoils of war were divided among the people, each bearer of arms getting ten dirhams in the first year and twenty in the second. No regular salaries were fixed for the army, nor was there any register of men in service, nor yet was there any war office. The same conditions continued in the early days of 'Umar's Caliphate. But by A.H. 15 the department had become surprisingly well organized.

Military Organization under 'Umar

There were several reasons why 'Umar gave so much attention to army organization. A common tradition is that Abū Huraira who had been appointed governor of Bahrain brought five lakh dirhams of the land revenue of the province to Madīnah. A sum of five lakhs was a wonder at the

time. 'Umar would not believe Abū Huraira's report and wondered whether the governor was quite in his senses. The latter repeated that he had brought five lakhs with him. 'Umar was still doubtful and asked whether the governor could count up to five lakhs. Abū Huraira assured him he knew the figures and repeated lakh five times. When 'Umar was at last really convinced, he called the consultative assembly and asked them what was to be done with such a large amount of money. 'Alī, 'Uthmān and other Companions offered various suggestions. Walīd b. Hishām said he had seen the rulers of Syria maintain a war department and a register of the army. The idea appealed to 'Umar who then decided to keep a register of the army and organize a war department.¹ According to another report, Walīd had referred to the kings of Iraq. This seems more probable, for when the office was organized, it was named *Dīwān* which is a Persian word. *Dabistān*, *Dabir Daftar*, *Dīwān* are all derived from the same root *dab*, a Pahlavi word meaning 'to keep watch.'

Militarization of the Whole Country

At all events, it was in 15 A.H. that 'Umar decided to organize the army into a separate department. The most noteworthy of his proposals in this connection was to turn the whole man-power of the country into an army. 'Umar proposed to

1. *Maqrīzī*, p. 92; *Futūḥ-u'l-Buldān*, p. 449.

turn into practical reality the principle that every Muslim is a soldier of the army of Islam. But it was not practicable to apply the principle to the whole of Arabia all at once. So he made the beginning with the Quraish and the Anṣār. There were at the time at Madīnah three expert genealogists who were also well versed in accountancy, namely, Maḥzama b. Naufal, Jubair b. Mu‘am and ‘Aqil b. Abī Ṭālib. The keeping of genealogies was a hereditary science among the Arabs, but these three gentlemen were distinguished as genealogists throughout the country. ‘Umar commissioned them to prepare a register of the whole of Quraish and the Anṣār, giving the name and parentage of each person. They presented a sketch, in which were entered first the Hāshimites, then the family of Abū Bakr, and after him that of ‘Umar. The scheme was prepared in view of the actual succession to the Caliphate. If it had been adopted, there was fear of the Caliphate becoming an object of family ambitions. ‘Umar therefore rejected it and said that they should begin with the near relatives of the Holy Prophet and then enter the names in the order in which they receded farther and farther away from the Holy Prophet in relationship, until they came to ‘Umar’s family when his name should be written. It should be noted here that of the first four Caliphs ‘Umar was the farthest removed from the Holy Prophet in relationship. The register was prepared accordingly and the following salaries

were fixed per annum :¹ For those who had participated in the Battle of Badr five thousand dirhams, for the Muhājirīn of Abyssinia and participants in the Battle of Uḥad four thousand ; for those who had made the Hijra before the conquest of Makkah three thousand ; for those who had embraced Islam at the conquest of Makkah two thousand ; for those who had fought in the battles of Qādsia and Yarmūk two thousand ; for the Yamanites four hundred ; for those who had fought after the battles of Qādsia and Yarmūk three hundred, and for the rest without distinction two hundred dirhams.

Stipends were also fixed for the wives and children of those whose names were entered in the register. For instance, the wives of the Muhājirīn and the Anṣār received from two hundred to four hundred dirhams, while the male children of the heroes of Badr received two thousand dirhams each. It may also be noted in this connection that the slaves of men who received these salaries were also given salaries equal to those of their masters, which should enable one to judge the position of the slaves in the law of Islam.

The men so registered were all liable to military service, but were divided into two categories,²

1. See *Kitāb-u'l-Kharāj*, p. 24 ; *Maqrīzī*, Vol. I, p. 92 ; *Balādhurī*, p. 248 ; *Ya'qūbī*, p. 175 ; *Ṭabarī*, p. 241.

2. One fact must be noted here very carefully. Superficial observers opine that the salaries fixed by 'Umar for the whole of Arabia were by way of public relief and had nothing to do with the army department. This is a mistake. Firstly, the historiographers, explaining the origin of the department, write that Walīd b. Hishām said to the Caliph : " I have seen that the kings of Syria maintain an army and an army

namely, (1) those who were on active service, *i.e.*, formed the regular standing army, and (2) those who lived at their homes, but were liable to be called to the colours in time of need. They were called *Matū'ah* in Arabic, and in modern terminology would be called reserves, though the latter do not usually get any pay.

This was the first stage of army organization, and for this reason there were some anomalies in it, the most evident being the fact that political salaries were combined with military salaries, and both were on the same register.

But gradually by 21 A.H., 'Umar so perfected the organization as it had never been done anywhere before, a few details of which we will mention in the following pages. These details bear witness that to divide the army organization at that early stage of Arab civilization into so many branches and to bring each branch to such a high degree of orderliness and efficiency called for the genius of no less a man than the Great Fārūq.

secretariat. You should also organize a secretariat and organize an army." 'Umar accepted Hishām's suggestion and did accordingly. Secondly, those who were not liable to military service nor had earned the right of salaries by participation in former battles, were given no salaries. It was for this reason that the Makkans received no salaries. According to *Futūḥ-u'l-Buldān*, " 'Umar did not give the Makkans any salaries, as they were not liable to be called (for military service)." It was also for the same reason that when the Bedouins applied to Abū 'Ubaidah for salaries, he replied that there could be no salaries for the Bedouins until the town-dwellers had been granted the same. No doubt when the army lists were first compiled, men other than soldiers, such as those who had learnt the Holy Qur'ān by heart or had gained efficiency in some other branch of knowledge or technique were also included. But on further inquiry one finds that this mixing up of lists which was adopted from necessity in the beginning was gradually removed, as we shall learn later.

For purposes of army organization the initial and most important step was the division of the country from the military point of view. In 20 A.H. 'Umar effected a twofold division of the empire on the basis of the army and civil administration. The latter has been described in a foregoing chapter.

Military Headquarters

For the purposes of army administration he established a few big military centres, which were named *Jund*,¹ a term which remains in use to this day. The centres were at Madīnah, Kūfah, Baṣrah, Mūṣal, Fuṣṭāṭ in Egypt, Damascus, Urdan and Palestine. Though 'Umar's conquests extended to Balūchistān, the provinces that constituted what may be called "home countries" were only Iraq, Egypt, Jazīrah and Syria, and military centres were established in these four provinces only. Mūṣal was the headquarters of Jazīrah. Owing to its larger extent, Syria required a number of military centres, and four, namely, those at Damascus, Jerusalem, Hims and Urdan, were established in that province. Fuṣṭāṭ, which is now called Cairo, commanded the whole of Egypt, while Baṣrah and Kūfah were the gateways of Persia, Khuzistān and all other conquests in the east.

The following arrangements were made for the army at these centres :

1. For the meaning of *Jund* see *Futūḥ-u'l-Buldān*, p. 132. Accord ing to Ya'qūbī, 'Umar established military centres in 20 A.H.; but he places them at Jazīrah and Qansirīn also, which is incorrect.

1. Barracks were built for the residence of troops. Kūfah, Baṣrah and Fuṣṭāṭ were originally built for the army's habitation. During Persian rule Mūṣal consisted of a fort, a few churches and a number of ordinary houses. Harthama b. ‘Arfaja Azdī, governor of Muṣal, turned it into a city at ‘Umar's command, and built separate quarters for the various tribal units of the Arab settlers.

2. Big stables containing four thousand horses, fully equipped and ready for service at short notice, were kept at every military centre with a view to having thirty-two thousand horses available for any emergency. When the inhabitants of Jazīrah suddenly rose in rebellion in 17 A.H., the dispositions of horses proved the key to victory. Much care was given to the maintenance and training of these horses. The charge of those at Madīnah ‘Umar had kept in his own hands. Pasture lands¹ were reserved at four stages from the capital, and the Caliph appointed his own slave named Hanī for its care and maintenance. The horses were branded on the hams with the words *Jaish fi sabīlillah*, "Army for the service of God."² At Kūfah the officer in charge was Salmān b. Rabī'at-u'l-Bāhali, an expert in horses and so well versed in the science that the qualification became part of his name, so

1. ‘Umar had a number of pastures reserved for horses and camels. The biggest was at Rabdhah in Najd at four stages from Madīnah. It was ten miles square. Another was at Darīh, at seven stages from Makka and six miles square in area, where about forty thousand camels were kept. For details of pasture lands see *Kulū'asat-u'l-Wafā bi Akhbār-i-dār-u'l-Muṣṭafā* (Egyptian edn.), p. 455.

2. *Kunz-u'l-Ummal*, Vol. II, p. 326.

that he was called *Salmān-u'l-Khal*. The horses were kept in stables in winter. Owing to this association the place continued to be called *Arī*, which means a stable, up to the fourth century of Hijra. For the same reason the Persians called it *Ākhūr-i-Shāhjān*. In spring the horses were sent to well-watered pastures near 'Aqūl on the banks of the Euphrates. Salmān took the uttermost pains in the training of horses and held a race once every year. Salmān especially promoted the breeding of pedigree horses. Formerly, the Arabs did not give much consideration to the dames' pedigree. Salmān was the first to emphasise the importance of the dames' ancestry, declared every horse a mongrel whose dame was not Arab, and deprived the owner of his share of the prize money.

The horses at the military station of Baṣrah were in the charge of Juza' b. Mu'aviyah who had been governor of the province.

3. All records pertaining to the army were kept at military centres.

4. Food stores of the commissariat were kept at these centres and therefrom sent to other places.

Military Cantonments

In addition to these great centres, 'Umar built numerous cantonments at big towns and other suitable points and spread the Arab race throughout the conquered lands. It was a common practice of 'Umar to post permanently a number of troops

at every new town that was conquered. For instance, when Abū ‘Ubaidah conquered Syria, ‘Umar appointed in every district an officer who had a number of troops at his disposal. But even after peace had been established, no big city or district remained without its quota of troops.

In 17 A.H., during his tour of Syria, ‘Umar visited all the towns situated at places where the Muslim territories touched those of the enemy (which for this reason were called *Furūj* or *Thaghūr* in Arabic), like Daluk, Mabanj, Ra‘yān, Qūras, Tizīn, Antioch, etc., and made the necessary defence arrangements. Separate defence arrangements under the command of ‘Abdullah b. Qais were made for cities situated on the coast called *Balād-i-Sāhilīyya* (namely, ‘Asqalān, Jāffa, Caesaria, Arsuf, Accre or ‘Akka, Taurus, Bairūt, Tarsūs, Şaidā, Ayas, Lāzqīya), as they were within the range of the Roman navy.¹ Balis on the western bank of the Euphrates was near to the borders of Iraq. Syrian Arabs who had embraced Islam were settled at the place as an addition to its defence arrangements.² When Yazīd b. Abī Sufyān died in 19 A.H., his brother Mu‘āviyah represented to the Caliph that the coasts of Syria wanted stronger protection. ‘Umar immediately ordered that the forts should be put in repairs, their garrisons should be strengthened, guards should be posted at points of

1. Tabarī : *Tāw kh*, p. 2523.

2. Cf. *Futūḥ-u'l-Buldān*, p. 150.

observation on the coast, and arrangements should be made for fires to be lit as a warning of the enemy's approach.¹

One-fourth of the armies under the command of 'Amr b. al-'Āṣ in Egypt were reserved for the defence of Alexandria; another one-fourth was stationed at other points on the sea coast, while the remaining half dwelt at Fustāṭ with the commander-in-chief. The troops stationed on the coast lived in big houses, each house being under the command of an 'Arīf or Colonel, who was the chief of the tribe and through whom the pay of the troops was disbursed. These houses had vast courtyards in front of them.²

The above-mentioned arrangement of cantonments all along the coast garrisoned by one-fourth of the army of 'Amr b. al-'Āṣ was made by 'Umar in 16 A.H., when Heraclius had tried to invade Egypt by way of the sea. Baṣrah and Kūfah in Iraq were both safe places. Still forty thousand troops were always stationed at Kūfah, with a special provision that ten thousand of them should be kept busy on foreign expeditions. Old Persian cantonments in the districts were rebuilt and strongly garrisoned. There were seven small cantonments in Kharība and Zabūqa and all were rebuilt. Numerous cantonment were established in the province of Khuzistān including those at Nahr

1. *Futūh-u'l-Buldān*, p. 128.

2. *Cf. Maqrizi*, Vol. I, p. 167.

Tīrī, Manādhār, Sūq-u’l-Ahwāz, Surq, Hurmazān, Sūs, Banyān, Jundī Sabūr, Māhrjan and Qazaq, all of which were manned by strong garrisons.¹ The garrisons of the cantonments of Rayy and Ādharbāijān totalled ten thousand. Similarly, hundreds of other cantonments were established, which do not call for special mention. One may, however, question here why cantonments were established on such a vast scale and what consideration determined the choice of military centres. One of the reasons was that though Muslim power was well established on land, and the land army was well organized, the Muslims possessed no naval power, whereas the Greeks were expert navigators of old. There was no fear of any internal revolt in Syria or Egypt, for the Christian inhabitants of both the countries, in spite of their religious affiliations with the Romans, preferred Muslim rule to that of the Christian Romans. But there was always a fear of naval attacks by the Romans. Besides, Asia Minor was still in the hands of the latter, where their power had yet received no check. It was necessary, therefore, that seaports and frontier towns should be kept well fortified. It was for this reason that ‘Umar made his cantonments either at coastal towns or at towns which were situated on the borders of Asia Minor. A different reason operated in Iraq, where, besides the adherents of the old dynasty, there were big landlords

1. Ṭabarī, p. 2650.

called Marzabāns who fought for the maintenance of their estates. No doubt, they were awed into subjection by the military power of the conquerors, but it was unsafe to rely on their loyalty. It was, therefore, necessary to maintain military power in their midst lest they should feel tempted to rise in rebellion.

Expansion of Recruitment Activities

Other branches of the army organization also received equal attention of 'Umar and every department was put on such a high level of efficiency that in view of the cultural conditions of the age it seems to be a miracle. Recruitment of the army, which began with the Muhājirīn and Anṣār, was gradually expanded to cover almost the whole of Arabia. All the tribes which had their habitats between Madīnah and 'Asfan, two stages beyond Makkah, were one by one brought on the army register. Similarly, the Arab tribes of Bahrain, which is one of the farthest tracts of Arabia and is included by some Arab geographers in Iraq, were also put on the army register. All the Arabs who had settled at Kūfah, Baṣrah, Mūṣal, Fuṣṭat, Jizah and other towns were also registered. All this innumerable host had their stipends and salaries fixed according to their ranks. Though their entire strength is not given in works of history, there seems reason to believe that their numbers must have mounted to between eight and ten lakhs of well-equipped soldiers. According to Ibn Sa'd,

thirty thousand fresh troops were sent to the battlefield every year.¹ Ṭabarī says specifically about Kūfah that one lakh of men, capable of bearing arms, were settled in that city, of whom forty thousand were in the regular army, and were liable to be sent on expeditions to Rayy and Adharbaijan by turns.

It was by virtue of this organization that the Arabs were able to maintain their power and prestige in the world for a long time, and the flood of conquests continued to flow. As the system began to fall into disrepair, the Arab power also began to decline. The first stage towards undermining the system was taken by Mu'āwiyah when he stopped the stipends of nursing children. 'Abdul Malik b. Marwān made further cuts, until Mu'taṣim-billah removed the names of the Arabs from the army register outright. That was indeed the day when the empire passed out of the hands of the Arabs for good.

*Inclusion of Persians, Romans, Indians and
Jews in the Army*

The Caliph opened the ranks of the army to the Persians as well. Yezdgird, the last emperor of Persia, had a select body of troops, four thousand strong, recruited from among the Dailamites, who were called Jund-i-Shahanshah or the Imperial Guards. The troops, after participating in many

1. *Kunz-u'l-Ummāl*, Vol. VI, p. 331. Imām Mālik says forty thousand instead of thirty thousand in his *Muwatta'*.

actions at Qādisiya, separated from the Iranians and embraced Islam. Sa'd b. Waqqāṣ, governor of Kūfah, enlisted them in the army, settled them at Kūfah and put them on the pay roll,¹ so that their names also occur here and there in the annals of Islamic conquests. The commander of Yezdgird's vanguard, a renowned officer who was known by the title of Syah was sent to Iṣṭakḥar by the emperor in 17 A.H., when he himself went to Iṣpahan, at the head of three hundred cavalry, which included seventy very famous warriors, with an order to enrol select soldiers from every city on his way and form a corps of troops. When Abū Mūsā Aṣḥ'arī laid siege to Sūs in 20 A.H. Syah was sent by Yezdgird with these very troops to oppose the Muslim army. On the fall of Sūs, Syah offered along with his officers to surrender to Abū Mūsā Aṣḥ'arī on certain conditions. Not willing to agree to the terms, the Muslim commander communicated them to 'Umar. The Caliph sent back word that the terms should be accepted. Accordingly, they were all settled at Baṣrah, enrolled in the army and put on the pay roll. Six of them, namely, Syah, Khusrau, Shahryar, Shairwiah, Shahrwiyah and Afrūdīn, were given two thousand five hundred each, and one hundred others two thousand each. The battle of Tustar was won by Syah's strategy.²

Most of the men in the Persian army of Badhan,

1. *Futūḥ-u'l-Buldān*, p 280.

2. *Ṭabarī*; *Futūḥ-u'l-Buldān*, pp. 372-375.

the Persian governor of Yaman, had embraced Islam, and were enlisted in the army. It is noteworthy that ‘Umar’s army was not without its Indian element. Jats of Sind called Zatt by Arabs formed part of the army of Yezdgird. After the battle of Sūs they embraced Islam, were enrolled in the army and settled at Başrah.¹

There were Romans and Greeks too in the Muslim army. Five hundred of them fought under the banner of Islam during the conquest of Egypt. When ‘Amr b. al-‘Āṣ founded Fuṣṭāṭ, they were settled in a separate quarter of their own. There were Jews also in the army and one thousand of them fought under the Muslim flag during the conquest of Egypt.²

In short, the army organization was so liberalized under ‘Umar that people of no country or race were excluded from it, nor was any distinction made of religion or creed. The reserves had thousands of Magians on their rolls, who received stipends equal to those of the Muslims. Magians were also enlisted in the standing army, of which more details will be found later. It should be remembered, however, that this liberalization of the army which opened its ranks to the people of all races and communities was an act purely of Islamic generosity; otherwise, in the conquests made by them, the Arabs depended upon their own swords and were under no obligation

1. *Futūḥ-u’l-Buldān*, p. 375.

2. *Maqrizī*, p. 298.

to other peoples, though to fight a nation with an army recruited from its own midst was not a bad stroke of politics.

As we have pointed out above, in the earlier days of the administration, the military department was not completely separated from other departments, and people who received salaries for purposes other than service in the army were also put on the army pay roll. This arrangement appeared to be convenient or expedient at the time. Time came when this confusion was also removed. In the earlier days the fixation of the salary of a person depended also upon his knowledge of the Holy Qur'an. But as it had no direct connection with the army as such, 'Umar relegated knowledge of the Qur'an to the education department and removed the distinction from the pay roll of the army. Accordingly, he wrote to Sa'd b. Waqqāṣ: "Pay no salaries for the knowledge of the Holy Qur'an."

Increase in Salaries

Thereafter he turned his attention to increasing the salaries of the army. As the Caliph desired to keep the army entirely free from trade, agriculture or other occupations, it was necessary that all the needs of the soldiers should be provided for. For this purpose necessary increases were made in their salaries. The lowest grade of pay was raised from two hundred to three hundred a year. The salaries of officers were increased from seven

thousand to ten thousand. Children used to have their stipends from the date they were weaned. ‘Umar ordered that thenceforth the stipends should be paid from the dates of their birth.

Commissariat

There was little provision for the commissariat in the beginning. On the Qādisiya expedition the troops provided food grains for themselves by plundering the neighbouring villages, though meat was supplied by the Caliph direct from Madīnah.¹ Later, the conquered people were required to pay twenty-five seers per head of food grains along with their *Jiziya*, and the grain so collected went to the army. In Egypt, besides grain, olive oil, honey and vinegar were also collected which the army ate with bread. The same arrangements obtained in Jazīrah. But the collections in kind were tedious to the subjects. So the Caliph commuted them into cash, which the subjects accepted with alacrity.² In course of time, a separate department of commissariat, called *Ahrā’*, was established. In Syria, ‘Amr b. ‘Utbah was appointed head of this department. *Ahrā’* is the plural of *Harī* which in Greek means a godown or store. As the system of collecting grains at and its disbursement from one place was borrowed from the Greeks, the Greek name for it also remained in usage.³ All the food stores were collect-

1. *Futūḥ-u’l-Buldān*, p. 258.

2. *Ibid.*, pp. 178, 216.

3. *Ṭabarī: Tārīkh*, p. 2625. For the etymology of *Ahrā’* see *Lisān-ḥ’l-‘Arab* and *Futūḥ-u’l-Buldān*, p. 408.

ed at one place, and from there were disbursed on the first of every month at the rate of one maund ten seers of grains, twelve seers of olive oil and twelve seers of vinegar per head. Other changes were introduced later. For instance, Ya'qūbī says in connection with 'Umar's tour of Syria that the troops received cooked food instead of raw provisions. Besides pay and food, the Caliph also provided cloth, as we shall learn when we come to speak of uniforms. In addition to these supplies, the soldiers also received an extra allowance or *bhattā*, called *Ma'ūnah* in Arabic. The soldiers had to provide horses for themselves. But in case of soldiers who were not well-to-do and whose salaries were small, these were provided by the state. For this purpose and at the express command of 'Umar four thousand horses were always kept ready at Madīnah.¹

Disbursement of Soldiers' Pay

Pay and *bhatta* were disbursed at different times. The pay was paid in the beginning of the month of Muḥarram, *bhatta* was paid in spring and the income of some special estates was distributed in the army at the harvesting season.² The salary was paid in the following manner. Every tribal unit had its 'Arīf or leader. The salaries were paid to Commanders of tens who were called *Umrā-u'l-A'shār*. These made them over to

1. *Kitab-u'l-Kharāj*, p. 172.

2. *Ṭabari*, p. 2486.

the ‘*Arīfs* who disbursed them to soldiers. One ‘*Arīf* was entrusted with the distribution of one lakh of dirhams. At Kūfah and Baṣrah there were stationed no less than one hundred ‘*Arīfs*, through whom one crore dirhams were distributed. Utmost vigilance was exercised over the distribution of salaries. When some irregularities took place in the distribution of the moneys by the commanders of tens in Iraq, ‘Umar appointed a commission composed of competent men like Sa’d b. ‘Imrān and Maṣh‘alah b. Na‘īm, to enquire into the affair. The commission made a thorough inquiry, redefined the rank and salary of each soldier, and, instead of tens, officers were appointed on every seven men.¹ As Baihaqī reports in *Kunz-u’l-‘Ummāl* the institution of ‘*Arīfa* was also an innovation of ‘Umar which remained in operation long afterwards.

Promotions

Promotions were made on the basis of length of service. At Qādisiya, Zuhrah, ‘Asmah, Dabī and some others had rendered distinguished services and obtained a rise from two thousand to two thousand five hundred. Besides fixed salaries, spoils of war which fell into the hands of the army now and then were distributed among the army according to their ranks, there being no limits to the amount of share a soldier received. For instance, men of the cavalry each received nine thousand at Jalūla and six at Nihāwand.

1. For details, see *Ṭabarī*, p. 2496, and *Maqrīzī*, p. 93.

The following arrangements were made for the health of the army :

1. Expeditions were decided upon according to seasons, being sent to cold countries in summer and to hot countries in winter. The assignment of expeditions in accordance with seasons was called *Shāṭiyāh* and *Şāfiāh*. The terms remain in use to this day, so much so that our historians speak of all expeditions to the west as Şawā'if. These assignments were, as reported by Ṭabarī, determined upon by 'Umar in 17 A.H.

2. In spring the troops were sent to lands which had a salubrious climate and good pasturage. The arrangement was made for the first time in 17 A.H. when, after the conquest of Madā'in, the troops suffered in health from the unsuitable climate of the locality. Accordingly, 'Utbah b. Ghazwān was instructed to remove the army to a healthier region every spring.¹

'Amr b. al-Āṣ, governor of Egypt, used to send the troops into the country in spring with orders that they should spend the time in hunting and excursions and fatten the horses on rich pastures.

3. Much thought was given to climate and sanitation in the lay-out of cantonments and the construction of barracks, and wide open yards were allowed in front of houses. In keeping with the principles of sanitation wide roads, streets and lanes were built when Kūfah, Baṣrah, Fuṣṭāṭ and other

1. Ṭabarī, p. 2486.

military towns were founded. ‘Umar was so anxious with regard to these particulars that, as has been stated in connection with the founding of cities, he himself specified the breadth of roads and lanes and other details of the lay-outs.

4. When the army was on the march, it was commanded to halt on Fridays. The halt was of a whole day and night to enable the troops to rest and overhaul their kit and arms. The day’s march was never allowed to be so long as would tire out the troops, and stages were selected with reference to the availability of water and provisions. The *farmān* sent to Sa‘d b. Waqqāṣ by the Caliph in regard to the army’s marches contained detailed instructions about these matters.¹

Leave of absence was given at regular intervals. The troops stationed at far off places were given leave once a year and sometimes twice. On one occasion, when the Caliph heard a woman reciting pathetic verses over the absence from home of her husband, he issued orders to the army commanders that no man should be compelled to stay away from home for more than four months.

But these concessions and conveniences were permitted only in so far as they were justified by circumstances, because, on the other hand, regulations were strict against habits of sloth, ease and self-indulgence, and there were strict orders that no man should mount a horse by the stirrups or wear

1. *‘Iqd-u’i-Farīd*, Vol. I, p. 49, cites the whole *farmān* in extenso.

fine clothes or avoid the sun or bathe in public baths.

Uniforms

Books of reference do not say whether 'Umar specified any particular style of clothes or uniforms for the army. The commands to the army preserved in them only show that they were not permitted to wear the Persian dress, though it appears the order was not enforced so strictly; for we find that when *Jizīya* was imposed upon the *Dhimmīs* of Egypt in 21 A.H., clothes for the army were also included in it, namely, a woollen coat, a long cap or turban, trousers and leather socks,¹ though the Caliph had specifically forbidden the use of the last two items of clothing earlier.

Cashiers, Accountants and Interpreters in the Army

Several other innovations were made by 'Umar in the army administration, of which no trace is found in the earlier history of Arabia. For instance, every army corps was accompanied by an officer of the treasury, an accountant, *Qāḍī*, a number of interpreters, besides a number of physicians and surgeons. For instance, at the battle of Qādisiya 'Abd-u'r-Raḥmān b. Rabī'ah was the *Qāḍī*, Zīād b. Abī Sufyān the accountant and Hilāl Hijri the interpreter.²

1. *Futūḥ-u'l-Buldān*, p. 256.
2. *Tabāī'ī : Tārikh*, pp. 222q.

Progressive Development of the Science of War

The instructions sent by 'Umar to army officers stressed the teaching of four things to the soldiery: swimming, horse-racing, archery and walking bare-foot. We do not know whether any other kind of drill also formed part of the training of the army, though there is no doubt whatever that the science of war made great strides on the conditions as they existed before. In olden days the manner of Arab warfare was very primitive. The hosts on both sides stood facing each other without any order. Combatants came singly from each side and fought duels, while the hosts stood by watching the combats in silence. A number of such combats were followed by a general action. The idea of forming ranks was introduced by Islam. The army was now divided into sections, such as the right, the left, etc. But each section fought independently, there being no commander-in-chief for the whole force. It was for the first time at Yarmūk¹ that the battle was fought in an organized way under the command of Khālid. The whole army, nearly forty thousand strong, was divided into thirty-six units, all of whom fought in coordination under the united command of Khālid.

Different Sections of the Army

The following were the various sections and

1. Ibn Khaldūn in the chapter on wars in his *Prolegomena* discusses in detail the Arab, Persian and Roman methods of warfare and says that the method of organized battles was first adopted by Marwān b. al-Hakam. This is an error, as Ṭabarī and other historians say explicitly that the method was introduced by Khālid.

arms which constituted the armies of 'Umar :

Qalb or the centre, with the commander-in-chief in its midst.

Muqaddamah or the vanguard stationed a little in front of the centre.

Maimanah or the right wing, covering the right flank of the centre.

Maisarah or the left wing.

Sāqah or the rear.

Ṭalai'ah or patrols to keep watch over the enemy's movements.

Rid', extreme rear, stationed behind the *Sāqah*, to repel any attack from the rear.

Rā'id or foraging parties.

Rukbān or the camel corps.

Farsān or the cavalry.

Rājil or the infantry.

Ramāt or the archers,

Every soldier was required to keep with him several things of personal need. According to *Futūḥ-u'l-Buldān*, every soldier under the command of Kathīr b. Shihāb, an officer in 'Umar's army, had to carry, with him needles, one large needle, cotton, twine, scissors, feeding-bag and a sieve.¹

The use of catapults in siege operations had been introduced in the lifetime of the Holy Prophet. They were employed for the first time in the siege of Ṭāif in 8 A.H. In the reign of 'Umar, catapults

1. *Futūḥ-u'l-Buldān*, p. 318.

were used extensively and many forts were reduced by means of them. For instance, no less than twenty catapults were employed at the siege of Bahrsīr in 16 A.H. Another machine used in siege operations was called *Dabbābah*. It was a wooden tower which moved on wheels and consisted of several storeys. Manned with stone-throwers, wall-piercers and archers, the tower was wheeled up to the foot of the fort, whence the walls were pierced by means of instruments. This machine was also used in the siege of Bahrsīr.

Sappers and Miners

Suitable arrangements also existed for the clearance and construction of roads, building of bridges and other operations, which are carried out by sappers and miners in modern armies. Conquered peoples were usually required to perform these services. When 'Amr b. al 'Āṣ conquered the territory of Fusāṭ, the Maqauqish agreed that the engineers' services for the Muslim army would be performed by the Copts.¹ Accordingly, when 'Amr b. al 'Āṣ marched upon Alexandria to give the Romans battle there, the Egyptians built roads and bridges and held markets for the Muslim army along the route. Maqrīzī says the generous treatment of the Muslims had so won the hearts of the Egyptians that they performed these services with joy.

1. Maqrīzī writes, p. 163: "Amr went with a party of Muslims and a number of Egyptian leaders. The latter agreed to look after roads, buildings and hold markets."

Espionage and Intelligence

The espionage and intelligence services were well organized, for which means were readily found among the Arabs of Iraq and Syria, part of whom had embraced Islam. They had lived in these lands for ages, and nothing could take place there without their knowledge. They were permitted not to disclose their being Muslims. As in external appearance they resembled the Magians or Christians, they could mingle with the enemy's forces wherever they desired and could obtain any information they liked. Very valuable services were rendered by these spies in the battles of Yarmūk, Qādisiya and Tikrīt.¹

The leading citizens of Syria, of their own accord, appointed spies who kept watch over the movements of the Roman emperor's armies and reported them to the Muslim commanders. Qādī Abū Yūsuf says in *Kitāb-u'l-Kharāj*:² "When the Dhimmīs saw the fidelity of Muslims in their covenants and their kindness of treatment, they began to befriend the Muslims against their enemies, and sent men from cities, which had entered into treaties with the Muslims, to spy on the Romans and inform the Muslims of their movements."

In Palestine and Transjordan, there lived a Jewish sect called the Samaritans. They were specially commissioned for espionage and intelli-

1. *Tārīkh Sūlam* of Al-Azdī p. 154; *Ṭabarī*, pp. 2349, 2435.

2. P. 80.

gence and were rewarded with the remission of land taxes.¹ Similarly, a people called Jarājah were appointed to the same service and were also rewarded with remission of land revenue.

A most remarkable feature of 'Umar's army administration was the completest control he had over the army at all times as if he were present in person at every military centre, though the armies were vast, spread throughout the empire and stationed hundreds of miles away from the capital, comprising as they did peoples of many tribes, races and countries.

Reporters in the Army

One general cause of the efficiency of control was the sense of awe and majesty which the Caliph's person inspired; the other was the fact that reporters who kept the Caliph fully informed about everything were attached to every army corps. Ṭabarī writes incidentally at one place: "Umar had spies and reporters in every army, who sent written reports to the Caliph about all that happened in the army."²

The system of reporters also served the purpose of correction without delay of whatever offence was committed by any person in the army, which served as a warning to others as well. During the war with Persia 'Amr Ma'dī Karab once spoke insolently to his commander. 'Umar was immediately informed

1. *Futūḥ u'l-Buldān*, p. 158.

2. *Ṭabarī*, pp. 2208, 2521.

and at once reprimanded Ma'dī Karab in a letter in a way that he never had the courage to repeat the offence. We find scores of such instances, but cannot go into details.

CHAPTER XII

EDUCATION AND THE DEPARTMENT OF RELIGION

‘U^MMAR gave great impetus to public instruction. Primary schools were opened throughout the conquered lands, in which the Holy Qu’ran, morally instructive poems and Arabic proverbs were taught. Companions of eminence, who were well versed in the law and Hadīth, were appointed for public instruction. Teachers at schools as well as public lecturers were given salaries. But as education was mostly religious, we must include its discussion in that of the department of religion.

The real work of ‘Umar, by virtue of his being the Caliph, was the propagation of religion and its teachings among the people, and no doubt it finds the highest place in the catalogue of his achievements. But the spiritual part of religion, namely, devotion to God, sincerity and self-immersion in prayer, purity of the heart and renunciation of worldly entanglements are not things that can be brought under a concrete administrative system. These things are personal and cannot be discussed as part of the state’s administrative machinery, and we shall speak of them when we come to deal with the Great Caliph’s private life. The propagation of Islam, provision for the teaching of the Holy Qur’an and the Hadīth and the enforcement of the

religious law are, however, matters which can be controlled by governments. We, therefore, proceed to discuss 'Umar's activities in this direction.

Propagation of Islam

The primary purpose of the department of religion was the propagation of Islam. Propagation of Islam does not mean that people should be compelled to embrace Islam at the point of the sword. 'Umar was wholly opposed to the idea of compulsion, as every man must be who cares to follow the Qur'anic commandment of "There is no compulsion in religion"¹ sincerely without seeking to put any far-fetched construction upon these words. On one occasion, namely, when his own slave refused to embrace Islam in spite of persuasion and much preaching, 'Umar contented himself with saying, "There is no compulsion in religion."

Propagation of Islam means that the world should be invited to embrace Islam, and people should be led towards it by pointing out to them the beauty and excellence of its teachings and principles.

When armies were despatched against any country, they were instructed to invite the people to Islam at first, and to explain to them the teachings and principles of the faith. The letter 'Umar wrote to Sa'd Waqqāṣ, the conqueror of Persia, contained the words: "I command you, when you

1. *Kunz-u'l-'Ummāl* (Hyderabad edn.), p. 49.

meet them, to invite them to Islam before opening the battle.” According to Qāḍī Abū Yūsuf, when ‘Umar had some troops at his disposal he used to appoint to their command a man who was versed in the teachings of religion and in the Islamic law.¹ It is obvious that the equipment of the military officers with the knowledge of religion and sacred law was required for the propagation of Islam. It has been stated in the history of the conquests of Iraq and Iran how clearly and beautifully the mission sent to the Christians and the Persians explained to them the teachings and principles of Islam.

The most potent weapon for the propagation of Islam among non-Muslims is the example of Islamic life which should draw them towards the faith by its own excellence. Islam spread most rapidly in the reign of ‘Umar, which was due mainly to the fact that the Caliph by his teaching and discipline had made the Muslims patterns of their faith. To whichever country Muslims armies went, people were drawn towards them by curiosity, because it was a matter of no small wonder to them that a handful of dwellers of the desert should set out for the conquest of the world. When these people saw the Muslims and mixed with them, they found in them models of truth, sincerity, purity, enthusiasm and simple living. These virtues impressed them deeply and convinced them of the excellence

1. *Kitāb-u'l-Kharāj*, p. 12.

of Islam. The reader will remember how, on the occasion of the conquest of Syria, the Roman ambassador George was impressed when he mixed with the troops of Abū 'Ubaidah and how suddenly he cut himself off from his people and his family and entered the fold of Islam.

The Causes of the Spread of Islam

The wonder of Islamic conquests also led the people to come to Islam. The fact that mighty and ancient empires were tottering before the onslaught of a handful of desert-dwellers created the feeling in the heart of many a superstitious folk that heaven must be on the side of the invaders. When the emperor of Persia sent an embassy to the emperor of China to solicit help against Muslim invaders, the latter made inquiries about the Muslim armies. On being told what kind of men they were, he remarked that to fight such people was a vain endeavour. During the Persian war, a well-known Parsi soldier fled from the field. He was captured and the Commander wanted to punish him for desertion, when he shot a stone in twain with an arrow and said, "When these arrows make no impression on these people, it is useless to fight them, for God is with them."¹ The grandfather of Abū Rijā' the Persian used to say, "I was present at the battle of Qādisiyah, for I was a Magian at the time. When the Arabs commenced shooting, we

1. Ṭabarī.

thought their arrows were needles. But those needles destroyed our empire." When Egypt was invaded, the Bishop of Alexandria wrote to the Copts, "Roman Empire is at an end. Go and join the Muslims."¹

There were other reasons as well which helped in the spread of Islam. There were Arab tribes settled in Iraq and Syria, who had become Christians. They were naturally more disposed to accept a prophet who was an Arab than one of any other nation. As time passed, more and more of them came into the fold of Islam. It was for this reason that more new converts came to Islam at this time from among the Arabs than from any other race. Another circumstance that contributed to the spread of Islam was the conversion of some high-placed religious personalities. For instance, on the conquest of the city, the Bishop of Damascus, Ardkūn by name, accepted Islam at the hands of Khālid.² When the leader became Muslim, his followers too must have been strongly attracted towards the new faith.

These various causes led to the rapid and wide spread of Islam. It is a pity none of our authorities made a special study of this movement, in the absence of which it is not possible to make an estimate of the numbers of people who embraced Islam during the reign of 'Umar. Incidental state-

1. *Maqrīzī*, Vol. I, p. 289.

2. *Mu'jam u'l-Buidān*.

ments are, however, scattered here and there, from which we cull a few.

Converts to Islam during 'Umar's Caliphate

When Jalūlā' was conquered towards the close of 16 A.H., big landlords and leading men embraced Islam of their own accord. The more influential and famous among them were: Jamīl b. Baṣbaharī, Buṣṭām b. Narsī, Rafīl and Firūz.¹ When the leaders became Muslims, the faith spread rapidly among their followers.

On the fall of Qādisiyah the whole of the Dailamite force, four thousand strong, who had been specially trained by Khusraū Parwez and formed the imperial guard, embraced Islam.²

Mention has been made, in the last chapter, of Syāh, the commander of Yezdgird's vanguard. At the time the Muslim army arrived at Tustar, Syāh was in the neighbourhood with his officers. One day he spoke to his officers and said, "We used to say these people (the Arabs) would one day conquer our country. We are seeing the fulfilment of the prophesy. It would be well, therefore, if we embraced Islam of our own accord." So they became Muslims forthwith.³ They were called Asāwarah. The Asāwarah canal in Kūfah is named after them. On their conversion the Siabajah, Zaṭṭ and Andghār also became Muslims. The three tribes

1. *Futūḥ-u'l-Buldān*, p. 265.

2. *Ibid.*, p. 280.

3. *Ibid.*, p. 274.

were originally from Sind, who had been brought away as prisoners of war in the reign of Khusrau Parwez and enrolled in the army.

Islam spread rapidly also in Egypt. The inhabitants of some towns in Egypt had offered resistance to 'Amr b. al 'Āṣ. As they did not form part of any army and had no right to fight, 'Amr had them captured and punished them by selling them into slavery in Arabia. The Caliph had them collected from all over Arabia with the greatest care and sent them back to their homes, with a word to the governor that the people were free to embrace Islam or remain in their former faith as they pleased. From among these people the inhabitants of Balhaib voluntarily entered the fold of Islam to a man.² When the Muslim armies conquered Damietta and advanced further, Islam spread throughout from Baqūrah and Drāwatah to 'Asqalān in Syria.³

Shaṭā was a well-known town of Egypt and was noted for its textiles. The chief of this place had heard of Muslims and was inclined towards them even before they arrived in the country. When the Muslim army reached Damietta, he left Shaṭā with two thousand men, joined the Muslims and embraced Islam with all his followers.⁴

Fuṣṭāṭ, founded by 'Amr b. al 'Āṣ where Cairo

1. *Maqrīzī*, Vol. I, p. 166.
2. *Ibid.*, p. 184.
3. *Ibid.*, p. 226.

stands now, had three big quarters in which mostly new converts were settled. One quarter was named Banū Nabah after a Greek family which had embraced Islam. One hundred men of this family were in the Muslim army which conquered Egypt. The second quarter was called Banū al-Arzaq, named after another Greek family of converts to Islam, which was so numerous that four hundred of them took part in the Egyptian war. The third quarter was called Rūbīl after a big Jewish family who lived formerly at Yarmūk and Caesaria and, on embracing Islam, accompanied 'Amr b. al 'Āṣ to Egypt. Ten thousand men of this clan participated in the conquest of Egypt.¹

Another quarter in Fuṣṭāṭ was inhabited entirely by Magian new converts to Islam and was for this reason called Parsi colony. They belonged originally to the army of Bādhan whom Anūsharwan had appointed governor of Yaman. When Islam reached Syria, they embraced Islam and went over to Egypt with 'Amr b. al 'Āṣ.

Similarly, from other scanty notices scattered here and there, we learn that Islam spread far and wide throughout the empire. Balādhurī, writing about Bālis, says that Abū 'Ubaida settled those Arabs at this place who lived formerly in Syria and had embraced Islam.² Azdī writes of the battle of Yarmūk: "When the Roman army arrived at Yarmūk, the local inhabitants who had embraced

1. *Māqriṣī*, Vol. I, p. 498.

2. *Balādhurī*, p. 50.

Islam were sent as spies and were instructed not to let the Romans know that they were Muslims, lest the enemy should become suspicious about them." Writing of the events of 14 A.H., Ṭabarī says, many Persians, some of whom had embraced Islam before the battle while others did it after the battle, gave much help to the Muslim army.¹

It is evident from these statements that Islam spread widely in the blessed reign of 'Umar, not by the sword but by virtue of its own beauty and excellence.

Besides the spread of the faith was the task of making provision for instruction in the teachings of religion. The things upon which the whole fabric of Islam depended had to be preserved and spread in the empire. The foremost of these tasks was the preservation of the Holy Qur'an and provision for public instruction in it. Shah Waliullah has most aptly remarked about the services that 'Umar rendered in this behalf, that whoever from the vast body of Islam reads the Holy Qur'an today carries on himself a debt of gratitude to the Great Fārūq.

Collection and Arrangement of the Holy Qur'an

It is obvious that the basis of Islam is the Holy Qur'an, nor can it be denied that the collection and arrangement of the Holy Qur'an and the preservation and spread throughout the empire of the

1. Ṭabarī, p. 2661.

correct codex was due entirely to the care and labours of 'Umar the Great. It happened this wise. The Holy Qur'an was not collected in one place during the lifetime of the Holy Prophet. The various parts were in the possession of different Companions and were written on bones, palm-leaves or stone tablets. Not many had the whole Qur'an by heart, though almost all of them could recite portions from memory. Hundreds of Companions were slain in the battle against Masailamah the Liar in the reign of Abū Bakr. Many of them had the Qur'an by heart. This made 'Umar anxious about the safety of the Holy Qur'an. So he went to Abū Bakr and said, "If those who carry the Holy Qur'an in their breasts were to die at this rate, the Book would be lost. Arrangements must, therefore, be made forthwith for its collection and preservation." Abū Bakr said he could not do what the Holy Prophet had omitted to do. 'Umar stressed the wisdom and necessity of the step again and again, until Abū Bakr agreed with him. The duty of writing down the revelations had been done mostly by Zaid b. Thābit. He was sent for and commissioned to collect the various *Sūras* and verses of the Holy Qur'an, and a proclamation was made in public assembly that whoever had learnt any portion of the Holy Qur'an from the Holy Prophet should bring it forth. Everyone who brought any verses had to produce two witnesses that they had seen those verses in writing in the lifetime of the

Holy Prophet. When all the *Sūras* had thus been collected, a committee was appointed to have the whole Qur'an copied in one volume under their supervision. Sa'd b. al-'Āṣ dictated and Zaid b. Thābit wrote the Qur'an. The committee were directed that in case they differed with regard to the pronunciation of any word, they should write it according to the pronunciation of the Muḍar tribe, as the Qur'an had been revealed in the language of the Muḍar.¹

Some other steps were also necessary for the preservation of the correct text of the Holy Qur'an. Firstly, that it should be spread extensively and hundreds of men should be set to learn the text by heart, so that no possibility should remain of the corruption of the text in any wise. Secondly, that the vowel marks and the correct forms of words should be preserved, and thirdly, that copies should be made of the Holy Book and spread far and wide in the empire. 'Umar carried out the three operations with such thoroughness that more could not be done.

Arrangement for the Teaching of the Holy Qur'an

Schools were opened for the teaching of the Holy Qur'an throughout the empire, and salaried teachers were appointed to teach therein. Accordingly, it is also regarded as one of the innovations of 'Umar that he put teachers on the pay roll.

1. *Rūns-u'l-Ummāl*, Vol. I, p. 279; *Itqān*, p. 12.

In view of the economic conditions of the age the salaries were not small. For instance, the teachers at children's schools at Madīnah were paid fifteen dirhams a month. The teaching of the Holy Qur'an to Bedouins was compulsory, and one Abū Sufyān was appointed to tour the Bedouin tribes with a few men, examined each member of a tribe and punished those who had learnt no portion of the Holy Qur'an by heart.¹

Children's schools also taught how to write, and orders were sent throughout the provinces that children should be taught writing and riding. Abū 'Āmir Sulaim, one of the reporters of Ḥadīth, says that he came to Madīnah as a prisoner of war when a child and was put in a children's school. "When the teacher asked me to write the letter *mim*," he says, "I could not write it and the teacher told me to write it round like the eyes of a cow."

*Despatch of the Companions to Distant Places
for Teaching the Qur'an*

There were five men among the Companions who had learnt the whole of the Qur'an by heart in the lifetime of the Holy Prophet, namely, Mu'adh b. Jabal, 'Ibāda, Ibn al-Ṣāmat, Ubayy b. Ka'b, Abū Ayyūb and Dardā'. Among these Ubayy b. Ka'b especially was a prince among the Readers (of the Holy Qur'an) and had been commended by the

1. *Aghānī*, p. 58; *Aṣāba fi Aḥwāl-al-Ṣaḥāba*.

Holy Prophet himself. ‘Umar sent for them and said their services were required for teaching the Qur’an to Muslims in Syria. Abū Ayyūb was old and Ubayy b. Ka‘b ill, and the two could not go, but the other three gladly agreed. ‘Umar advised them that the three should go to Ḥimṣ at first. When education had started there, one was to stay at Ḥimṣ and continue the work there, while one of the other two was to proceed to Damascus and the third to Palestine. Accordingly, they all went to Ḥimṣ together. When education became well organized there, ‘Ibāda continued at Ḥimṣ, while Abū Dardā’ went to Damascus, and Mu‘ādh to Palestine. Mu‘ādh b. Jabal died in the plague of ‘Amwas,¹ but Abū Dardā’ lived to the close of Uthmān’s Caliphate and resided at Damascus. As described by Dhahabī in *Ṭabaqāt-u’l-Qurā’*, Abū Dardā’ used to sit down in the Jāmi’ Masjid of Damascus after morning prayers, surrounded on all sides by a crowd of those who learnt the Qurān from him. Abū Dardā’ divided them into groups of tens and appointed a teacher to each group, while he himself walked about, carefully watching each learner. When a scholar had learnt the whole of the Qur’an by heart, Abū Dardā’ took him in hand personally. One day Abū Dardā’ had the students counted and found they were one thousand and six hundred.

1. For details see *Kunz-u’l-Ummāl*, Vol. I, p. 281. Also *Ṭabaqāt* of Ibn Sa’d.

Measures Adopted to Propagate the Qur'ān

Many other measures were adopted by 'Umar for popularizing the study of the Holy Qur'ān. All were asked to learn at least five *Sūras* of the Qur'ān, namely *Baqarah*, *Nisā'*, *Mā'ida*, *Ḥajj*, and *Nūr*, as they contain commandments and injunctions.¹ Provincial governors were instructed to grant stipends to those who were learning the Qur'ān.² (Later, when the purpose had been served and there remained no further need for such encouragement, the instructions were repealed.) The instructions sent to the army now and then also contained exhortations that men should learn to read the Holy Book. Now and then he also sent for lists of the scholars of the Qur'ān from the provincial governors. These measures bore their fruit and numerous people became versed in the Qur'ān. Those who could read by sight were of course without number, but hundreds also learnt it by heart. When the Caliph wrote to the army commanders to send to the capital men who had learnt the Qur'ān by heart that they might be sent to other places for teaching the same, Sa'd Waqqāṣ replied that there were three hundred such persons in his army alone.³

The third most important measure was aimed at teaching the correct vowels and the correct

1. *Kunz-u'l-Ummāl*, Vol. I, p. 224.

2. *Ibid.*, p. 217.

3. *Ibid.*, p. 228.

pronunciation of words. When the Qur’an was collected for the first time, vowel marks were not used, and without the teaching of the correct pronunciation the mere dissemination of the Qur’an would not have proved very useful. ‘Umar adopted necessary measures for this purpose as well.

Firstly, strict instructions were given that great care should be taken to teach vowels and correct pronunciation. His instructions as reported by Ibn al-Anbārī were: “Teach them also the vowels of the Qur’an as you teach its learning by heart,” and as reported in the *Musnad* of Dārimī were: “Teach them commandments and recitation and the Prophet’s *Sunna*, as you teach them the Qur’an.”

Secondly, along with the teaching of the Qur’an, the study of the Arabic language and literature was also made compulsory, so that the readers of the Holy Qur’an should themselves be able to distinguish between right and wrong vowels.

Thirdly, the rule was made that no one who was not versed in Arabic lexicology should be permitted to teach the Holy Qur’an.¹

Teaching of Ḥadīth

After the Holy Qur’an comes the Ḥadīth. ‘Umar made great efforts for the publicity of

1. *Kunz-u'l-Ummāl*, Vol. I, p. 288.

Ḥadīth, though he enjoined great care in the matter, which is a proof of his farsightedness. With the exception of especially well-versed Companions he did not permit the generality of people to report Ḥadīth traditions. Shāh Walīullah writes: "Fārūq the Great sent 'Abd-u'llah b. Mas'ūd with a company of men to Kūfah, Ma'qal b. Yasār, 'Abd-u'llah b. Maḡfal and 'Imrān b. Ḥaṣīn to Baṣrah and 'Ibāda b. Ṣamat and Abū Dardā' to Syria, and wrote to Mu'āwiyah b. Abī Sufyān, governor of Syria, with emphasis that no narrator should go beyond the reports of these Companions."¹ The principles enunciated by 'Umar in respect of the narration of Ḥadīth reports are in fact evidence of his genius and acumen, but this is not the place to dilate on them. We shall learn about them later when we come to speak of the Caliph's own person and achievements.

Fiqh

After Ḥadīth comes *Fiqh*. As knowledge of the laws of *Fiqh* is a daily necessity with every Muslim, 'Umar gave publicity to it to a degree that is not possible even today in spite of the many new means of publicity available in the modern age. The Caliph adopted the following measures for the wide publicity of the Laws of *Fiqh*:

1. As far as time and leisure permitted, 'Umar taught the people the laws of religion in

1. *Isālat-u'l-Khifā'*, Part 2, p. 6.

person. In Friday sermons he expounded the more important teachings and commandments of Islam, while in the addresses delivered on the occasion of pilgrimage he explained the various rites and ceremonies of Ḥajj. Imam Muḥammad reports in his *Muwattā* that ‘Umar gave an address at ‘Arafāt, in which he expounded the teachings relating to Ḥajj.¹ Similarly in his famous addresses delivered at various places in the course of his journey to Syria and Palestine he expatiated upon all the more important principles and institutions of Islam. These addresses were delivered in the presence of large masses of people, and the publicity thus given to the teachings was not possible otherwise. The address delivered by the Caliph at Jabiah in Damascus has been cited frequently by jurists for the exposition of many points of *Fiqh*.

2. The Caliph occasionally himself wrote on religious teachings and points of law to the provincial governors and officers. For instance, he sent detailed instructions, reported word for word by Imam Mālik in his *Muwattā*, to all provincial governors fixing the times of the five daily prayers, about which canon lawyers differ to this day. Imam Mālik also cites in full the instructions sent in this behalf to Abū Mūsā Aṣḥ‘arī. A circular was sent throughout the conquered lands that the combining of two services was not per-

1. *Muwattā*, p. 227.

mitted.¹ *Tarāwīḥ* prayers were instituted in the Prophet's Mosque at Madīnah in 14 A.H., and instructions were sent to all district officers that the practice should be followed throughout the empire. Laws of *Zakāt* were written in detail and sent to Abū Mūsā Ash'arī and other civil officers. The title of this instrument of instructions, as cited by Shāh Waliullah on the authority of Imām Mālik was, "In the name of Allah the Beneficent, the Merciful. This is the Book of Charities." The instructions sent to Abū Mūsā Ash'arī in respect of evidence and judicial procedure have been quoted in a previous chapter. Besides the more important matters of law, even minor details were also at times written to governors. For instance, the Caliph once wrote to Abū 'Ubaidah: "I have heard Muslim women visit public baths and bathe undressed in the presence of Christian women. But it is not permitted to any Muslim woman to undress in the presence of non-Muslim women." With regard to fasting he wrote to civil officers: "Do not delay in breaking the fast." Zaid b. Wahab says: "‘Umar's command came that a woman should not keep a non-obligatory fast without her husband's permission." Abū Wā'il says, "‘Umar wrote to them that the new moon can be small as well as big."

1. *Muwattā*, p. 129.

Consensus of Opinion on Matters of Religious Law

It may also be noted in this connection that as the dicta of law which 'Umar published by means of official commands had the status of the law of the state, great care was taken that those dicta should have the consensus of opinion at their back, and matters on which there was difference of opinion among the Companions were debated and determined upon in public assembly beforehand. For instance, Qādī Abū Yūsuf writes in *Kitāb-u'l-Kharāj* on punishment for theft: " 'Umar held a consultation on punishment for theft, until agreement was reached."¹ There was a difference of opinion about the bath of *Janābat* (*i.e.*, the bath necessitated by sexual intercourse or nocturnal incontinence). All the Muhājirīn and Anṣār were assembled and their opinions were invited. They gave different opinions, on which 'Umar remarked: "You are the people who fought the Battle of Badr and yet you differ. Those who would come after you would certainly differ far more severely." The matter was, therefore, referred to the wives of the Holy Prophet. Their opinion was accepted as final and published.² There was also much difference of opinion on the number of *takbīrs* at the time of funeral prayers. The Companions were assembled at the instance of 'Umar and an agreed decision was made. They all agreed to four *takbīrs*.

1. *Kitāb-u'l-Kharāj*, p. 106.

2. *Izālat-u'l-Khifā'*, p. 88.

3. Care was taken in the selection and appointment of provincial and district officers that they should be well versed in religion and law. The principle was announced on several occasions, and once in a public address the Caliph declared: "I call you to witness that I appoint officers in order that they should teach religion to the people."¹ The principle was observed not only in the appointment of civil officers, but applied also to army commanders. Qaḍī Abū Yūsuf writes: "When a contingent of Muslim soldiers was enrolled, 'Umar appointed to their command a man who was versed in religion and the sacred law." This is the reason why we find among 'Umar's civil and military officers names of men like Abū 'Ubaida, Salmaṅ the Persian, Abū Mūsā Aṣḥ'arī, Mu'ādh b. Jabal, who, in addition to their military ability and capacity for civil administration, were also distinguished for their knowledge of religion and insight in spiritual matters, and are frequently mentioned in Ḥadīth and *Fiqh* literature.

4. Jurists and teachers were appointed throughout the empire for religious instruction of the people. Our authorities do not treat the subject separately. It is therefore not possible to arrive at the exact number of teachers so employed. From incidental notices scattered here and there, however, one may conclude that a good number of jurists were appointed at every city. For instance, the author

1. *Kitāb-u'l-Kharāj*, p. 67.

of *Uṣd-u'l-Ghābah*, writing about 'Abd-u'r-Raḥmān b. Ma'qal, says that he was one of the ten men whom 'Umar had sent to Baṣrah to teach *Fiqh*. *Dhahabī* says of 'Imrān b. al-Ḥaṣīn, a Companion of great eminence, in *Ṭabaqāt-u'l-Ḥuffāz*: "He was one of those whom 'Umar had sent to Baṣrah to teach *Fiqh*." 'Abd-u'r-Raḥmān b. *Ghanam* is mentioned in *Ṭabaqāt-u'l-Ḥuffāz* as one who was sent by 'Umar to Syria to teach *Fiqh*, and the author of *Uṣd-u'l-Ghābah* says of him that he is the one who taught *Fiqh* to the *Tābi'īn* (successors of the Companions) of Syria. The same author writes of 'Ibādah b. al-Ṣāmat that when Syria was conquered, 'Umar sent him and Mu'adh b. Jabal and Abū Dardā' to Syria to teach the Holy Qur'an and *Fiqh* to the people. Jalāl-u'd-dīn Suyūṭī writes of Habān b. Abī Jabalah in his *Ḥasan-u'l-Muḥāḍirah fī Akhbār-i-Miṣr-wa'l-Qāhirah* that 'Umar sent him to Egypt for teaching *Fiqh*.

The method of teaching of these jurists was as follows. The teacher sat down in the open courtyard of the mosque, while numerous scholars sat in a circle around him and questioned him about the laws of *Fiqh* which he explained to them. Abū Muslim *Khāulānī* relates that once on entering the mosque of Ḥimṣ, he found thirty eminent Companions sitting therein and lecturing on religion. When they felt any doubt about a question, they consulted a young man. He inquired the name of the young man and was told he was Mu'adh b.

Jabal.¹ Laith b. Sa'd says, when Abū Dardā' entered the mosque, the host that accompanied him was so large as if he were a king, and they were all questioning him about the law.²

Ibn Jauzī says, these jurists were given salaries. Doubtless, without such provision a well-organized system of public instruction could not be maintained.

A feature worthy of special note in this system was that those selected by 'Umar for public instruction in the sacred law, for instance, Mu'ādh b. Jabal, Abū Dardā', 'Ibādah b. al-Ṣamat, 'Abd-u'r-Raḥmān b. Ghanam, 'Imrān b. Ḥaṣīn, 'Abd-u'llah b. Maghfal, were select men in the whole body of Islam, for which reference may be made to their accounts in *Uṣd-u'l-Ghābah* and *Aṣāba*. It should also be remembered in this connection that not every man was permitted to become a teacher of the law, and only those laws were taught on which there was consensus of opinion among the Companions, or had been agreed upon by discussion in the public assembly of the Companions. This matter has been beautifully treated by Shāh Waḥīdullah, relevant parts of which are quoted herebelow:

“ When the Caliph had decided a matter, nobody had the courage to oppose it. They did not dispute in any question, nor did they decide on any matter without taking

1. *Tadhkirat-u'l Huffāz*, art. Mu'ādh b. Jabal.

2. *Ibid.*, art. Abū Dardā'.

the Caliph's opinion on it. Therefore, there occurred no differences of law or opinion in this age. All were agreed on one law and one path. When this special period of Khilāfat passed away and the ordinary Khilāfat came into being, divines began to teach at every place. Ibn 'Abbās expounds the law at Makkah, while 'Ā'ishah Ṣiddīqah and 'Abd-u'llah b. 'Umar report Hadīth at Madīnah, and Abū Hurairah spends his time in reporting Hadīth in abundance. Accordingly, differences arose at this time in the exposition of law. One had no knowledge of the opinions of others. If one got the information, there was no opportunity for mutual discussion. When discussion did take place, that atmosphere of unity and agreement which is necessary to the dispelling of doubts and settlement of disputes was absent. If you follow the reports of the learned among the Companions who passed away from this life before the end of 'Umar's Caliphate, you will find that they (*i.e.*, the reports) are exceedingly small in number. Those who survived the Caliph reported whatever they have reported after 'Umar's Caliphate. Though all the Companions are just, righteous and dependable, and their

reports are worthy of acceptance, and whatever reliable reports are provable of them, following them in practice is obligatory upon us, but there is a difference of heaven and earth between what there was of Ḥadīth and *Fiqh* in the time of Farūq the Great and what came after him."¹

Appointment of Imāms and Mu'adhdhins

The matters described above related only to learning and its dissemination. The practical side of religion was also not neglected, and necessary provision was made in this behalf. *Imāms* and *Mu'adhdhins* were appointed in every city and town and were paid out of the public treasury. Ibn Jauzī says in *Sīrat-u'l-'Umarain* that 'Umar b. al Khattāb and 'Uthmān b. 'Affān both paid salaries to the *Imāms* and *Mu'adhdhins*. It appears from Imām Muḥammad's *Muwatta* that special persons were appointed to keep the lines straight in the Prophet's Mosque.² Officials were also appointed at the time of Ḥajj to take the pilgrims beyond 'Uqbah at Manā,³ as many people halted this side of 'Uqbah, not knowing that stopping at that place was not part of the rites of Ḥajj.

Leadership of the Pilgrim Caravans

As 'Umar performed pilgrimage ten times during

1. *Izālat-u'l-Khifā*, Part 2, p. 140.
2. *Muwatta*, p. 286.
3. *Ibid.*, p. 229.

his Caliphate, every year he himself led pilgrim caravans, and looked after the pilgrims' comfort.

Construction of Mosques

'Umar had a vast number of mosques built in conquered countries.¹ Abū Mūsā Ash'arī, governor of Kūfah, was ordered to build one Jāmi' Masjid at his capital and one mosque in each tribal quarter of the city. Similar orders were sent to Sa'd Waqqās and 'Amr b. al 'Āṣ. Officials in Syria were directed to have one mosque built at every town.² These mosques are still extant and are called 'Umar's mosques, though their original buildings are no more. The present writer has had the honour of saying prayers in one of these mosques, namely, the one at Beyrūt. *Muḥaddith* Jamāl-u'd-dīn says in *Rauḍat-u'l-Aḥbāb* that four thousand mosques were built in 'Umar's reign. This definite figure may not be correct, but there is no doubt that mosques built in his reign numbered more than a thousand.

Extension of the Ka'ba

'Umar had the Sacred Mosque at Makkah extended and gave much attention to its decoration and embellishment. Owing to the rapid and vast progress of Islam, the Mosque had become quite inadequate for the pilgrims. Therefore in 17 A.H., 'Umar had the surrounding houses purchased and

1. *Muwatta* of Imām Mālik, p. 140.

2. *Maqrīzī*, Vol. II, p. 246.

demolished and the area so vacated was included in the Mosque. There was no wall round the Mosque before this time, its boundaries being marked by the surrounding houses. 'Umar had a wall built which was also used for lights put on it at night.¹ Cover used to be put on the Ka'ba from ancient times. In pagan days, the cover was of *Nuṭa'*, but 'Umar had one made of *Qabāṭi*, which is a very superior kind of cloth and is manufactured in Egypt.² The bounds of the *Haram*, as the sanctuary of the Mosque is called, extends to three miles in one direction and as far as seven and nine miles in others. As some religious laws have reference to the bounds, they were marked by stone pillars called *Anṣāb*. 'Umar had the whole layout renewed in 17 A.H. with great care. Those of the Companions who had full knowledge of the bounds, namely, Maḥzama b. Naufal, Azhar b. 'Abd 'Auf, Ḥawaiṭab b. 'Abd-u'l-'Azā and Sa'id b. Yarbū', were appointed for this work, and they refixed the *Anṣab* with the uttermost care.

Extension and Repairs of the Prophet's Mosque

The Prophet's Mosque was also greatly extended. The Mosque, as built in the lifetime of the Holy Prophet, sufficed for the needs of the day. But the population of Madīnah was expanding rapidly and the number of worshippers was fast increasing. In

1. *Al-Aḥkām al-Sultāniya* of Māwardī, p. 154, and *Futūḥ-u'l-Buldān*, p. 46.

2. *Futūḥ-u'l-Buldān*, p. 47.

17 A.H., 'Umar resolved to extend it and purchased the surrounding houses for the purpose. But 'Abbās refused to sell his. 'Umar offered him good price, but 'Abbās would not agree. The latter went to the court of Ubayy b. Ka'b who, however, decided that 'Umar had no right to purchase the house under compulsion. Thereupon 'Abbās declared that he would make a free gift of the place to the Muslim nation. So, leaving the houses of the Holy Prophet's wives, all other houses were demolished and the Mosque was extended. The Mosque was formerly one hundred yards in length. It was now increased to one hundred and forty yards. The width was also increased by twenty yards. The same old simplicity was, however, maintained, and the wooden pillars used in the Holy Prophet's time also remained in their places. With the renewal of the building, 'Umar also had a raised platform constructed in the courtyard and said that those who desired to recite poems or wanted to talk might use the platform.

Arrangements of Lights and Covering of Floor

There used to be no lights in the Mosque before 'Umar. The deficiency was now removed, and Tamīm Dārī supplied lamps for the Mosque with the Caliph's permission. 'Umar also had incense burnt in the Mosque. On one occasion they happened to receive a packet of aloe in spoils of war. 'Umar thought he might distribute it among the

people, but it was not enough. Accordingly he ordered that it should be spent in the Mosque, so that all the Muslims may be able to enjoy its fragrance equally. It was, therefore, made over to the *Mu'adhhdhin* who burnt it in a stove every Friday, carrying which he passed through the worshippers' lines and thus, with its fumes, perfumed their clothes. The floor of the Mosque was also covered for the first time in 'Umar's reign. Of course, there were no rich carpets to spread on the floor. Islamic simplicity was preserved, and the floor was covered with matting, so that the worshippers may be able to save their clothes from dust.

CHAPTER XIII

MISCELLANEOUS ACTIONS

THE major departments of the state's administration have been described above. But there are some minor things which do not permit of treatment under separate heads and may therefore be dealt with more conveniently together in one chapter.

One of them was the fixing of the calendar for keeping official records in order. No special calendar had been in use before the time of 'Umar. In the days of ignorance reckoning was made with reference to some important events. For instance, years were reckoned for a long time from the death of Ka'b b. Lawī. Later, 'Ām-u'l-Fīl or the year of the elephant, namely, the year of Abrahāt-u'l-Ashram's attack on Makkah, came into usage as the date of reference. Still later came the 'Ām-u'l-Fujjār or the year of sinners, and perhaps some other dates also. A permanent era was introduced by 'Umar, which continues in use to this day.

Introduction of the Hijri Calendar

It happened that in 16 A.H. 'Umar was one day presented with a draft on which was written one word Shā'ban. 'Umar asked how he should know whether Shā'ban of the previous year was meant or of the current one. Thereupon he called the consultative assembly, at which all prominent

Companions were present, and the question of fixing an era was discussed. Most of those present suggested that the Persian method should be adopted. Hurmuzān, king of Khozistān who had embraced Islam and settled down at Madīnah, said that the method current in his country called Mahrūz was convenient as it indicated both the day and the month. The question arose next as to the date from the which the era was to commence. 'Alī suggested it should begin from the Hijra, and all agreed to it. The Holy Prophet had migrated in the month of Rabī-u'l-Awwal when the year had already run two months and eight days. The era should have started thus from Rabī-u'l-Awwal. But as the year began in Arabia with the month of Muḥarram, the date was pushed back two months and eight days, and the era was made to commence from the beginning of the year.¹

Reading and writing was known in Arabia long before Islam. At the dawn of Islam, no less than seventeen men knew the art among the Quraish alone. But book-keeping and accountancy were little known. When Uballa was conquered in 14 A.H., there was not one man in the whole army who knew anything about reckoning and who could distribute the spoils in a proper manner. At last they had to have recourse to a boy of fourteen, namely, Zīad b. Abī Sufyān, and paid him two dirhams daily for his services in accountancy.² This was the beginning,

1. *Māqyizi*, Vol. I, p. 284.

2. *Ṭabari*, p. 3388.

but under the discipline of ‘Umar the same people soon learned to prepare detailed records and statements of every description most efficiently.

Maintenance of Different Registers

The most difficult and complicated were the accounts of the stipendiaries who were called *Ahl-i-‘Atā*. These included troops of all kinds and numbered several lakhs, and various groups had their stipends fixed on different bases. Some received salaries for bravery, some for nobility, and some for services rendered. Then there were divisions of tribes, for every tribe had its separate register, and even among these classifications of some sort had to be made. For the proper maintenance of the accounts of this department, ‘Umar had to employ men of distinguished ability, for instance, ‘Aqīl b. abī Ṭālib, Maḥzama b. Naufal and Jubair b. Muṭ‘im at Madīnah, Mughira b. Shu‘ba at Baṣrah and ‘Abd-u’llah b. Khalaf at Kūfah.

Land Record

The whole record of land revenue, as has been stated in a previous chapter, was retained in Persian, Syriac and Coptic languages; for the science of revenue assessment was not so developed in Arabia as to permit the translation of these records into Arabic.

Bait-u’l-Māl

Most accurate accounts were kept of the public

treasury. The animals received in *Zakāt* and other charities belonged to the *Bait-u'l-Māl*, and detailed records were kept of them, in which were entered the features, colour and ages of the animals. 'Umar sometimes himself made these entries.¹

War Expenditure

Army commanders were required to submit accounts of war expenditure and spoils of war. The first dismissal of *Khālid*, for instance, was due to his refusal to accept the responsibility for submitting accounts.² After the conquest of *Jalūla* in 16 A. H. *Ziyād b. Abī Sufyan* brought the records of accounts to *Madīnah* and submitted them to 'Umar's inspection.³

Records of Census

For the assessment of *Zakāt* and *Jiziyah* a census was ordered of every place, and its records were kept with great care. A full account of the census of *Iraq* and *Egypt* is given by *Maqrīzī* and *Ṭabarī*.

Statements were also prepared of personal qualifications of certain categories. For instance, *Sa'd Waqqāṣ* was commanded to prepare a list of those who could read the *Qur'an*. A list of poets was also called for, of which mention will be made later.

Treaties concluded with the conquered peoples

1. *Ṭabarī*, p. 2736.
2. *Aṣāba fi Ahwāl-u'l-Ṣahāba*, art. *Khālid b. Walīd*.
3. *Ṭabarī*, p. 2465.

or others were preserved most carefully in a box which 'Umar kept in his own custody.¹

The Way the Accounts were Kept

It may be mentioned here that accounts were written at the time on long sheets which were kept rolled up, as the Mahajans keep their ledgers in our country. The style of books and registers was introduced in the reign of Saffah by his minister, Khālid the Bermeceide.

Coins

The general body of historians say that coins were introduced for the first time in Arabia by 'Abd-u'l-Malak b. Marwān but it appears from Maqrīzī's account that coinage too was an innovation of 'Umar. The following is a literal translation of Maqrīzī's note :

“ When Amīr-u'l-Mu'minīn 'Umar became Caliph and God gave him the conquests of Egypt, Syria and Iraq, he did not interfere with the coinage and let the old coins remain in circulation. When deputations came from different lands in 18 A.H., a deputation also came from Baṣrah, Aḥnaf b. Qais being among them. Aḥnaf made a representation about the needs and requirements of the people of Baṣrah. In response to

his request, 'Umar appointed Ma'qal b. Yasār who built a canal at Baṣrah, the one called Nahr-i-Ma'qal, about which is the famous saying: 'When Allah's canal came, Ma'qal's canal became useless.' About the same time 'Umar ordered that every mañ should have one jarīb of foodgrain and two dirhams cash per month. About the same time 'Umar introduced his coins of dirham, which resembled the coins of Anūsharwān. The only difference was that 'Umar's coins bore the words الحمد لله (Praise to Allah) and some time محمد رسول الله (Muḥammad is the Apostle of Allah) and sometimes لا اله الا الله وحده (There is no god but Allah the One). Towards the close of 'Umar's reign ten dirhams weighed six mithqāls.'¹

This is Maqrīzī's report alone, but it is generally admitted that 'Umar effected changes and improvements in the coinage. Māwardī says in *Al-Aḥkām-u's-Sultāniyah* that three kinds of dirhams were current in Persia, the *Baghlī* of eight dāng, *Ṭabarī* of four dāng and *Maghrībi* of three dāng. 'Umar ordered that as *Baghlī* and *Ṭabarī* were more popular, an Islamic dirham should be struck of half their combined value. Accordingly an Islamic dirham of six dāng came into circulation.¹

1. See Maqrīzī's *Kitāb-u'l-Nuqūd-u'l-Islāmiyah*, pp. 4, 5.
2. *Al-Aḥkām-u's-Sultāniyah*, p. 167.

CHAPTER XIV

RIGHTS OF THE DHIMMIS

Treatment of Christians and Persians with Aliens

IT WOULD be absurd to try to compare the rights granted by 'Umar to Dhimmis (non-Muslim subjects of the Muslim state) with those granted by other imperial states of the day to their subjects of alien races. 'Umar's neighbours were the Eastern Roman Empire and the Persian Empire, and in both of them the status of alien subjects was worse than that of slaves. The Syrian Christians, though co-religionists of their Roman rulers, had no proprietary rights in the lands they tilled. On the contrary, they were themselves treated as a kind of property, for when an estate was sold by one owner to another, the cultivators were conveyed along with their land, and the new owner had the same rights over them as the old one. The condition of the Jews was worse, and was indeed so bad that they could hardly be called subjects, for the subjects of a state do have some rights after all, whereas the Jews had none. Christians were in the same plight in Persia.

When 'Umar conquered these lands, the status of the subject peoples underwent an immediate change, and the rights granted to them were so liberal as if

the subjects were no mere subjects but equal parties to a treaty. Below we reproduce the treaties entered into with the conquered peoples. They not only bear out the statement made above, but will also enable the reader to compare the rights granted by 'Umar with those granted by European imperialists to their subjects in any country in spite of their claims to being civilized states.

It should be noted here that some of the treaties preserved in the books of history are in detail, while others are brief; for to repeat the same conditions again and again in detail would have been needless pedantry. So in the case of the majority of treaties they content themselves with referring to some one treaty for the terms, as the terms of the various treaties were usually the same. The treaty of Jerusalem written in the presence and words of 'Umar himself was as follows :

“ This is the protection which the servant of Allah, 'Umar, the Commander of Believers, has granted to the people of Ailiya. The protection is for their lives and properties, their churches and crosses, their sick and healthy and for all their co-religionists. Their churches shall not be used for habitation, nor shall they be demolished, nor shall any injury be done to them or to their compounds, or to their

crosses, nor shall their properties be injured in any way. There shall be no compulsion on them in the matter of religion, nor shall any of them suffer any injury on account of religion. Jews shall not be made to live with them in Ailīya. The people of Ailīya undertake to pay *Jiziyah* like the inhabitants of other cities and to turn out the Romans. The life and property of the Roman who leaves the city shall be safe until he reaches a place of safety, but any Roman who makes his domicile in Ailīya shall be safe and shall pay *Jiziyah*. If any of the inhabitants of Ailīya wish to go away with the Romans and take their properties away with them, they and their churches and crosses shall be safe, until they reach their place of safety. Whatever is written herein is under the covenant of Allah and the responsibility of His Apostle, of the Caliphs and of the Believers, as long as they pay *Jiziyah* imposed on them. Witnesses to this deed are Khālid b. Walīd and ‘Amr b. al-‘Āṣ and ‘Abd-u’l-Raḥmān b. ‘Auf and Mu‘awiyah b. Abi Sufyān. Written in 15 A.H.”¹

The *farmā* makes it clear that the lives,

1. See Abū Ja‘far Jarīr Tabarī: *Tārīkh*, on Fath Bait-u’l-Maqdas.

properties and religion of the Christian subjects shall be safe from every kind of interference or molestation, and it is obvious that the rights granted to any people belong to these three categories. It is specifically undertaken that the churches shall not be demolished nor shall any injury be done to them, nor shall any encroachment be made on the areas adjoining those churches. Freedom of religion is assured by the stipulation that there shall be no compulsion on them in respect of their religion. As the Christians believe that the Jews had killed Jesus on the Cross and the event had taken place at Jerusalem, as a concession to their religious sentiments they were assured that no Jews would be permitted to reside in their midst. Romans had fought the Muslims and were their real enemies. However, they were permitted to live in the city if they desired to do so, or go away if they so desired, but in both cases they could have the guarantee of safety for themselves and their properties and their churches or places of worship. Even the Christians of Jerusalem were permitted to go away and join the Romans if they desired to do so. They would not be interfered with or molested, and the churches they would leave behind in Jerusalem would be safe. A more just and magnanimous treatment of a conquered people by conquerors cannot be cited from the annals of any other nation.

A fact which must be remembered in this con-

nection is that the lives and properties of the Dhimmīs were put on the same level with those of the Muslims. If a Muslim murdered a Dhimmī, he had to pay for the crime with his life. Imām Shafi'ī reports that when a member of the tribe of Bakr b. Wā'il slew a Christian of Hira, 'Umar ordered that the murderer should be handed over to the heirs of the slain.¹ Accordingly, he was handed over to Hunain, a relative of the slain, who put him to death. As regards the security of property, the lands were left in the possession of the old occupants and Muslims were forbidden to buy them, as has been stated more fully in the chapter on land revenue.

Assessment of the Dhimmīs

The land revenue assessments on Dhimmīs were very light. Still, 'Umar was ever anxious lest they suffered any hardship and thought of them even on his death-bed. It was his custom to invite, every year when the collections from Iraq arrived at Madīnah, ten men from Kūfah and ten from Baṣrah and made them swear four times that no hardship had been inflicted on the people in making the collections.² Two or three days before his death, 'Umar sent for the settlement officers, talked with them about the assessments and asked again and again whether the assessments were fair and not harsh.³

1. *Al-Darāyat fī Takhrīj al-Hidāyā*, Delhi edn, p. 360.

2. *Kitāb-u'l-Kharāj*, p. 65.

3. *Ibid*, p. 21.

Consultation with the Dhimmīs on Administrative Matters

Participation in civil administration is a very valuable privilege which a subject people can obtain, and 'Umar always consulted the Dhimmīs in matters of administration concerning their welfare and took no step without obtaining their consent beforehand. When the settlement of Iraq was taken in hand, Persian landlords were invited to Madīnah and consulted with regard to revenue assessments. In the settlement of Egypt the Muqauqish was usually consulted.¹

The security of life and property granted to the Dhimmīs was not a mere paper affair, but was rigidly enforced. As has been mentioned in a foregoing chapter, when a farmer of Syria complained that the Muslim army had trampled down his crops, 'Umar had him indemnified with ten thousand dirhams out of the public treasury.² Instructions were sent to district officers again and again that the Dhimmīs should be treated kindly, and no hardship should be inflicted on them. He also exhorted them to the same effect repeatedly in person. Qāḍī Abū Yūsuf relates in *Kitāb-u'l-Kharāj*, in the chapter on *Jiziyah*, that when 'Umar was returning from Syria, he saw at a place a number of men standing in the sun and oil being poured on their heads. He inquired what the proceedings

1. *Maqrīzī*, Vol. I, p. 74.

2. *Kitāb-u'l-Kharāj*, p. 68.

meant and was told that they had not paid their *Jiziyah* and were being punished for the default. The Caliph asked what was their plea for their failure to pay the tax, and they replied "poverty." "Let them go," ordered the Caliph, "and do not torment them, for I have heard the Apostle of Allah say: 'Do not torture people, for those who torture their fellows will be tortured by Allah on the Day of Judgment.'"

Fulfilment of Terms with the Dhimmīs

The instructions 'Umar sent to Abū 'Ubaida on the conquest of Syria contained the following words:

"Forbid the Muslims to do any injustice to the Dhimmīs. They should not harm them in any wise nor eat their substance unjustly. And keep faithfully all the terms you have made with them."¹

The Caliph made a detailed testament from his death-bed for the guidance of his successor. The testament is quoted in full by Bukhārī, Abū Bakr Baihaqī, Jāhiz and many historiographers. The last sentence in it runs as follows:

"And my bequest to my successor is in respect of those who are in the protection of Allah and His Apostle (namely, the Dhimmīs) that the covenants with them

1. *Kitāb-u'l-Kharāj*, p. 82.

should be observed faithfully, that they should be defended against invaders, and no burdens exceeding their strength should be laid upon them."¹

What more proof could 'Umar give of his anxiety for the well-being of the Dhimmīs than by thus thinking of them even on his death-bed?

A Christian reviled the Holy Prophet in the presence of Ghurfa, a Companion, who slapped the culprit in the face. The Christian complained to 'Amr b. al-'Āṣ, the governor of Egypt, who sent for Ghurfa and questioned him about it. Ghurfa told his story, to which 'Amr b. al-'Āṣ said, "You know we have concluded a treaty with the Dhimmīs." "God forbid," replied Ghurfa, "they were never permitted to revile the Apostle of Allah openly. The terms with them are that they may do what they like in their churches, and if an enemy invades their country, we should fight for them, and no burdens should be laid upon them which they cannot bear." 'Amr said it was true.² The incident shows how scrupulously the rights of Dhimmīs were respected.

Freedom in Religious Matters

The Dhimmīs had complete freedom of religion. They were at liberty to perform their religious rites, ring their bells, take out the Cross in procession and

1. *Sahih Bukhārī*. Meerut edn., p. 187,
2. *Usd-u'l-Ghābah*, on Churfa.

hold religious fairs. The rights and privileges of their religious leaders were maintained as before. Benjamin, Patriarch of Alexandria, had been roaming about from fear of the Romans for thirteen years. When 'Amr b. al-'Āṣ conquered Egypt in 20 A.H., he sent the Patriarch a guarantee of sa'ety. The Patriarch accepted the writ with gratitude and returned to the Patriarchate throne in peace.¹ Freedom of religion was stipulated expressly in treaties among other terms. The relevant sentences of some of the treaties are quoted below. The writ of Ḥudhaifa b. al-Yaman to the people of Mahdīnar contained the following words:

“They shall not be required to change their religion, nor shall any interference be made in their religious practices.”²

The following terms were granted to the inhabitants on the conquest of Jurjān:

“Their lives and properties and religion and laws are safe, and no change shall be made in them.”³

The treaty of Adharbaijan contained the following stipulation:

“Their lives and properties and religion and laws are secure.”⁴

The treaty of Mūqān contained the following words:

1. *Maqrīzī*, Vol. I, reports the event in detail; see p. 492.
2. *Ṭabarī*, p. 2633.
3. *Ibid*, p. 2258.
4. *Ibid*, p. 2662.

“Their lives and properties and religion and laws are safe.”

‘Umar was very anxious for the propagation of Islam and made great efforts in this regard. As Caliph, it was his duty, and he did it only to the extent of exhortation and persuasion. Beyond that, he made it clear several times that nobody could be compelled in the matter of religion. He exhorted his personal slave Astiq, a Christian, frequently to embrace Islam, but when he refused, ‘Umar could only say in the words of the Holy Qur’ān, “There is no compulsion in religion.”

Equal Civil Rights to Dhimmīs and Muslims

The truth to which facts lead one is that in the matter of civil rights ‘Umar made no distinction between the Dhimmīs and the Muslims. If any Muslim killed a Dhimmī, the Muslim was slain in return. If a Muslim used offensive language towards a Dhimmī, he was duly punished. Dhimmīs were required to pay no other taxes than *Jiziyah* and the customs duties. On the other hand, Muslims had to pay *Zakāt*, which was heavier than *Jiziyah*. Muslims too had to pay customs duties, though at a lower rate than the Dhimmīs. The stipends which the Muslim reserves received from the public treasury were also shared by the Dhimmīs. One particular regulation clinches the matter. A Muslim who became an invalid or was too old to earn his living received maintenance

allowance from the state treasury. Similar or rather more generous treatment was meted out to the Dhim-mīs. The rule had been made during the Caliphate of Abū Bakr. The terms granted by Khālid b. Walīd on the conquest of Hīra contained the following :

“ I have granted them the right that when a man becomes unfit to work because of old age or is visited by some calamity or misfortune or having been wealthy he becomes poor, so that he becomes an object of charity to his co-religionists, he will become exempt from *Jiziyah* and he and his family will receive maintenance allowance from the public treasury, as long as he resides in the Muslim country. But if he goes out to another country, the Muslims will not be responsible for the maintenance of his family.”¹

The same rule continued in the reign of ‘Umar and, what is more, he fortified it further by basing it on a verse of the Holy Qur’an and wrote to his treasury officer that in the Qur’anic injunction “Charities were for the poor and the needy”; “the poor” meant the Muslim poor and “the needy” meant the poor among the Jews and the Christians. It is related in this connection that ‘Umar once saw an old man begging and asked him why he was doing so. The old man replied that *Jiziyah* had been imposed upon him whereas he could not afford it.

1. *Kitāb-u’l-Kharāj*, p. 85.

'Umar took him home, gave him some cash and sent him to the treasury officer with the word that such old people who could not earn their living should be supported from the public treasury, adding with reference to the Qur'anic injunction quoted above: "By God, it is not just that we should benefit from the youth of the people and turn them out to beg in the streets in their old age."¹

Honour and Self-Respect of the Dhimmis Maintained

Equal regard was paid to the honour and self-respect of the Dhimmis as to those of the Muslims, and it was considered wrong to utter words of contempt or disdain towards them. Umair b. Sa'd, governor of Himş and distinguished for piety and holy living among all the officers of the empire, once lost his temper and the words "May God bring you to disgrace!" escaped his lips about a Dhimmī. The governor was thereupon so stricken with shame and remorse that he straightway went to the Caliph and resigned his post, saying it was the post that had made him behave so."²

Treatment of Dhimmis, Conspiring or in Revolt

One noteworthy fact about 'Umar's Caliphate is that if the Dhimmis ever made any conspiracy or rose in rebellion, the usual favours were not withdrawn from them. Modern governments that claim to be civilized and advanced are gentle towards

1. *Kitāb-u'l-Kharāj*, p. 72.

2. *Izālat-u'l-Khifā'*, p. 203.

their subjects only so long as they do not suspect any political ambition on their part. Political activity on the part of the subjects at once changes their gentleness into ferocity and is so ruthlessly avenged that savages could not do worse. None of these things, however, ever moved ‘Umar to stray from the path of justice by a hair’s breadth. On the border of Syria and Asia Minor was situated a city called ‘Arbsūs. When Syria was conquered, this city also passed into Muslim hands, and the treaty of peace was signed. But the inhabitants of ‘Arbsūs maintained secret relations with the Romans and kept them informed of movements this side of the border. ‘Umair b. Sa’d, the governor, reported the matter to ‘Umar. The only punishment the Caliph awarded for their base treachery was that he wrote to ‘Umair to make an inventory of all their property, lands, cattle and other chattels, purchase them at double their price and tell the people to leave the Muslim territory and go away wherever they liked. If they would not agree to it, ‘Umair was to give them respite of one year; but if they did not mend their ways even then, they were to be exiled. As they would not mend their ways, the orders at last had to be carried out.¹ Can any modern imperialist state show an equal example of leniency and forbearance?

One most eloquent proof of the favours shown to the Dhimmīs is afforded by their own conduct

1. *Futūh-u'l-Buldān*, p. 157.

towards their Muslim conquerors. The Dhimmis sided with the Muslims on every occasion against the governments of their own co-religionists. It was the Dhimmis who provided food stores for the Muslim armies, held markets in the army camps, built roads and bridges under their own supervision and at their own expense, and above all rendered espionage and intelligence services. They informed the Muslims of the secret movements and plans of the enemy, although they were their own co-religionists, Parsis or Christians. To what degree the Muslims had won the hearts of the Dhimmis by their kindness and generosity of treatment may be judged from the fact that when the Muslims had to withdraw from Hims to fight the battle of Yarmuk, the Jews swore on the Torah that so long as the breath of life was in them, the Romans would not enter the city, and the Christians professed with great wistfulness that the Muslims were more welcome to them than the Romans.

Allegation of Unjust Treatment to the Dhimmis

We now proceed to examine the truth about those occurrences on the basis of which people have been or can be led to suppose that 'Umar or Islam itself did not deal justly with the Dhimmis.

The following reasons may be advanced in support of this supposition. 'Umar ordered that the Dhimmis should not imitate the Muslims in dress. They should wear waste-belts and long caps, have

saddles to their horses, should not build new houses of prayer, nor sell wine nor swine flesh, nor ring bells, nor take out the Cross in procession. The Banī Taghlab were also commanded not to baptize their children. Moreover, he did not permit a single Jew or Christian to live in Arabia, and compelled families who had lived in Arabia for centuries to abandon their ancient homes.

These objections call for careful examination, and we will examine them in detail, for a long-established traditional prejudice has cast a veil on the face of reality. It is true that 'Umar forbade the Muslims to copy the non-Muslims and the non-Muslims to copy the Muslims. But his purpose was to maintain the national characteristics of each people. In the matter of dress one has to inquire whether the dress the Caliph prescribed for the Dhimmīs was their own ancient national dress or whether he devised some new dress for them for the purpose of humiliation. Anyone acquainted with the ancient history of Persia will readily see that the dress mentioned here was the same old dress of Persia. The treaty concluded with the Dhimmīs, quoted in *Kunz-u'l-'Ummāl*, though it has been more or less shortened by the reporters, while it included the stipulation that they would not wear such and such kind of dress, also contained the words, "We shall wear the dress we have always worn."¹ It is obvious, therefore, that the dress

1. *Kunz-u'l-'Ummāl*, Vol. II, p. 302.

prescribed for them by 'Umar was the same old dress of Persia.

Our jurists have erred with regard to *Zunnār* mentioned in the Caliph's *farmān*. They think it was a cord of the thickness of a finger like the sacred thread that Hindus wear, and that it was intended to humiliate the *Dhimmīs*. But it is a great error. *Zunnār* means a belt, and the word has the same meaning in Arabic to this day. A belt is also called *Mantiqa* in Arabic, so that *Zunnār* and *Mantiqa* are synonymous. That they are synonymous is proved by the books of *Ḥadīth*. *Kunz-u'l-'Ummāl*¹ reports from Baihaqī and others that 'Umar wrote to the army commanders: "Make it obligatory for them to wear *Mantiqas*, that is *Zunnārs*." The *Zunnār* is also called *Kastij*. *Jāmi' Ṣaghīr* accordingly has *Kastij* instead of *Zunnār*, and the word is probably of Persian origin. In any case, the Persians wore a belt from ancient times. Mas'ūdī says in *Kitab-u'l-Tanbīh wa'l Ashrāf*² that he has explained the reason for this ancient habit of Persians of wearing belts in his book *Murūj-a'l-Dhahab*. Another proof that the dress prescribed for the *Dhimmīs* was the same ancient dress of Persia may be seen from the fact that the dress prescribed by Caliph Maṣṣūr for his court was very nearly the same. The tall caps made of straw were the same ancient headgear of

1. Vol. II, p. 320.
2. P. 108.

Persia, the like of which may be seen even today on the heads of the Parsis. Manṣūr's court dress also included the belt, which was the same *Zunnār* or *Mantiqa* or *Kastij*, which the Persians had worn of old. Arab historians state expressly that the dress prescribed by Manṣūr was in imitation of the Persians. It is evident, therefore, that if the dress prescribed by 'Umar for the Dhimmīs had been some new invention devised for the humiliation of the latter, Caliph Manṣūr could not have adopted it for himself and his court.

To forbid the Dhimmīs to build new houses of worship, sell wine, take out processions of the Cross, ring bells and to baptize their children would doubtless have been an interference with religion, but I contend without fear of contradiction that the conditional restrictions prescribed by Abū Bakr and 'Umar were perfectly justified. Later historians omitted mention of the conditions and thereby gave rise to a widespread error.

The permission in respect of the procession of the Cross conceded in the treaties was qualified by the proviso that "they shall not carry the cross in Muslim habitations."¹

About ringing the bells, the terms were: "The Dhimmīs may ring their church bells at any time during the day or the night, except at times of Muslim prayers."² About swine the words were:

1. *Kitāb-u'l-Klāraj*, p. 80.

2. *Ibid.*, p. 86.

“They shall not drive the pigs into Muslim quarters.”

It is obvious, therefore, that processions of the Cross, ringing of bells, etc., were forbidden not absolutely, but under certain circumstances, and these prohibitions under similar circumstances could not be regarded as unjust even today.

The most serious charge concerns the alleged prohibition to the Banī Taghlab, who were a Christian tribe, to baptize their children. It is customary among the Christians to baptize their children before they come of age, so that they should grow up as Christians, exactly as Muslims circumcise their male children. Doubtless, ‘Umar had no right to forbid baptism, but a new question had cropped up in his days: If a man belonging to a Christian tribe, who had himself embraced Islam, died leaving young children behind, in what religion would the latter be brought up? Would they be treated as Muslims or would their Christian relations have the right to baptize them and bring them up as Christians? ‘Umar commanded that in these particular circumstances their relations should not baptize them and bring them up as Christians. The order was quite fair, and the minor children of a Muslim would evidently be treated as Muslims. Ṭabari, speaking of this prohibition to the Banī Taghlab, quotes the following words from the treaty concluded with them: “They shall not Christianize the children of those who had

embraced Islam.”¹ Similar words are cited elsewhere also by the same author.²

Perhaps someone might object that ‘Umar should not have made this stipulation on a hypothetical basis, but the fact is that the situation was not hypothetical. Many persons from among the Banī Taghlab had embraced Islam and it was necessary to insert a proviso in the treaty to safeguard their interests. Ṭabari says³ expressly that it was those new converts from among the Taghlabites who had proposed the condition themselves.

Anyone can, therefore, decide for himself whether to forbid the Christians, in the interests of public peace and order, to carry the Cross and drive pigs into the midst of the Muslims, to ring bells at times of public prayers and to baptize the children of Christian converts to Islam can be construed as the result of religious prejudice. It is a pity, however, that later historians omitted to mention the particular conditions and circumstances in each case, and even those among the older ones who were themselves fanatically inclined ignored them in their reports. These omissions led to serious errors, but being apparently of a minor character were overlooked by Ibn al-Athīr and others. But the error that had arisen in this wise gradually became

1. *Ṭabari*, p. 2423.

2. *Ibid.*, p. 2510.

3. *Ibid.*, p. 2509.

so common and widespread that the whole Arabic literature became affected by it, and as the jurists had little knowledge of history, they accepted these mangled reports without question and derived legal dicta therefrom !

Expulsion of Jews and Christians

As to the expulsion of Jews and Christians from Arabia, it is a fact that Jews had never been really friendly towards the Muslims. The Jews of Khaibar had been told on the conquest of the city that they would be turned out whenever the state thought it necessary to do so. Their enmity towards the state became more open in the reign of 'Umar. They threw his son 'Abd-u'llah from the roof of a house injuring his arm thereby. At last, 'Umar read out the whole catalogue of their rascalities in public assembly and ordered their expulsion.¹ *Ṣaḥīḥ Bukhārī (Kitāb al-Sharūf)* mentions the event in a little detail.

The Christians of Najrān lived in the vicinity of Yaman and were not interfered with. But they began secretly to prepare for war, for which they procured many horses and arms. 'Umar therefore ordered them to quit Yaman and settle in Iraq.²

Historical evidence is, therefore, decisive that the expulsions were ordered in pursuance of political necessities, and no exception can be taken to them,

1. *Futūḥ-u'l-Buldān*, p. 25 ; *Kitāb-u'l-Kharāj*, p. 29.

2. *Kitāb-u'l-Kharāj*, p. 42.

though the concessions made to the people at the time of their expulsion are worthy of note. When orders were given for the expulsion of the Jews of Fidak, ‘Umar sent an expert to appraise the value of their lands and gardens, and the price so fixed was paid them from the public treasury.¹ The Jews of Hijaz were similarly indemnified for the loss of their lands.

The Christians of Najrān were treated very generously when they were ordered to transfer their domicile from Arabia to Iraq and Syria. The safe conduct granted to them contained the following provisions :

“ In Iraq or Syria, wherever they should settle the local government should give them lands for building their houses and for cultivation. To whomsoever among the Muslims they should apply for succour, he should help them. They should be exempt from *Jiziyah* for two years.”

As a precaution and for greater emphasis, a number of prominent Companions were made to witness the passport. The document is quoted in full in Qādī Abū Yūsuf’s *Kitāb-u’l-Kharāj*.² What greater favour could be shown to a people whose guilt of conspiracy and rebellion stood proved ?

Jiziyah

Now remains the question of *Jiziyah*. I have

1. *Futūḥ-u’l-Buldān*, p. 29.

2. P. 41.

discussed this subject in a separate booklet which has been published in three languages, Urdu, English and Arabic. A brief statement would, therefore, suffice here.

The meaning and purpose of *Jiziyah* had been explained early in Islam, that it was the price of protection, but in the reign of 'Umar its significance was put beyond the possibility of doubt. Firstly, following the example of Anūsharwān, he fixed different rates of *Jiziyah* and thereby made it clear that it was the same old tax that Anūsharwān had levied and was no new imposition. Secondly, he made it plain by his practice that the tax was in lieu of protection. It has been mentioned in the first volume, that when, owing to the imminent and hazardous battle of Yarmūk, the Muslim army had to withdraw from the western districts of Syria and thought that they could no longer bear the responsibility for the protection of the inhabitants of the cities of Ḥims, Damascus and others, from whom they had already received the *Jiziyah*, they returned the whole amount so collected to the inhabitants and said that as they could no longer take the responsibility for their protection, they had no right to the tax. Another decisive evidence that *Jiziyah* was the price of protection is afforded by the fact that when military service was received from any people, they were exempted from *Jiziyah* though they continued in their own religion. 'Umar himself wrote to his army commanders of Iraq in

17 A.H.: "Take what service you want from mounted soldiers and exempt them from *Jiziyah*."¹ If any people participated in the wars of the Muslims even once, their *Jiziyah* for that year was remitted. When Ādharbāijān was conquered in 22 A.H., the inhabitants of the city were given the guarantee that "the people who would serve in the army in any one year would be exempted from *Jiziyah* for that year." The treaty concluded with the ruler of Armenia, Shahrbaraz, in the same year included the following terms:² "The people of Armenia are bound to take part in every military expedition, comply with every order issued by the governor on the condition that they shall pay no *Jiziyah*."

Jurjān was conquered in the same year, and the *farmān* granted to them contained the following words: "We are responsible for your protection on the condition that you shall pay *Jiziyah* every year according to your means, but if we take military service from you, the *Jiziyah* will be remitted to you in return for the same."³ In short, the purpose and signification of *Jiziyah* were established beyond doubt by the speeches, treaties and practice of ‘Umar.

The disbursement of the collections of *Jiziyah* was confined to military expenditure, and the food, clothes and other necessities of the army were purchased with it. Accordingly, wherever *Jiziyah* was

1. *Ṭabari*, p. 2497.2. *Ibid.*, p. 2265.3. *Ibid.*

imposed, part of it was collected in kind. The assessment per head of *Jiziyah* in Egypt was four dīnārs, of which two were collected in cash and the remaining two in wheat, olive oil, honey and vinegar, which formed the food of the army at the time. Later on, however, when a separate commissariat department was established, the collections in kind were abolished and the whole amount of the *Jiziyah*, *i.e.*, four dīnārs per head, began to be collected in cash.¹

1. *Futūḥ-ū'l-Buldān*, p. 216,

CHAPTER XV

CHECKS ON SLAVERY

THOUGH 'Umar did not abolish slavery, which, even if he had tried, probably he could not have done, there is no doubt that he tried by sundry ways to curtail the custom, and whatever of it remained did so with such humanity that it became a mere name, and the slave for all practical purposes became the equal of his master. Slavery was entirely put to an end in Arabia. 'Umar was so keen on the matter that, as soon as he assumed the reins of office, the first thing he did was to emancipate all those who had been reduced to slavery in the war with the "apostates" in the reign of Abū Bakr, and established the principle that no Arab could be held in slavery.¹ "No Arab can be a slave," he said, though many jurists do not accept this principle of 'Umar. Imām Aḥmad Ḥanbal says: "I do not agree with 'Umar's opinion that an Arab cannot be a slave." But this is not the place to discuss the judicial aspect of the question. We mean only to emphasize that this was 'Umar's dictum in respect of Arabs.

The Caliph failed, however, to make a similar rule in respect of non-Arabs. When a country was conquered, the army insisted that the lands should

1. *Kunz-u'l-Ummāl*, quoting Imām Shāfi'i, Vol. II, p. 312.

be divided up among them and the inhabitants delivered to them in slavery. As has been stated in a previous chapter, the Caliph silenced them on the authority of the Holy Qur'an, but he could not give a similar argument about slavery, nor could he oppose the whole army. But in practice he reduced it to a very great extent. The lands he conquered were vast, measuring thousands of square miles, and their populations numbered several millions. But wherever we find evidences of slavery, it was very limited and confined to a few places only. Even at these places, only those people were made slaves who had actually fought against them and were captured on the battlefield. Iraq and Egypt are big countries, but in spite of the army's insistence nobody was made a slave there. When the inhabitants of a few villages in Egypt who had fought the Muslims were sold in slavery as punishment, of which mention has been made before, and were scattered all over Arabia, 'Umar had them collected and sent back to Egypt with a message to the governor that it was not right to reduce them to slavery. Maqrīzī speaks of the event in detail and gives the names of the villages.¹

Little trace of slavery is found in the Syrian towns of Baṣrī, Faḥl, Tiberia, Damascus, Ḥimṣ, Ḥamād, 'Asqalan, Antioch, etc., where the Christians had offered most determined resistance. Caesaria was perhaps the only town in Syria where

1. *Maqrīzī*, Vol. I, p. 166.

captives of war were taken into slavery. The treaties concluded on the conquest of Fārs, Khōzistān, Kirmān, Jazīra and other places included the stipulation that the lives and properties of the people would not be interfered with. The treaties of Sanghān, Jundī Sabūr, Shīraz, etc., gave a clearer guarantee that the inhabitants of those places would not be reduced to slavery.

At Manādhar, though the army had taken possession of the prisoners of war and made them slaves, ‘Umar had them set free and ordered that they should be assessed to land revenue and *Jiziyah*.¹ Orders were also sent to Abū Mūsā Ash‘arī that no cultivator or artisan should be made a slave.²

‘Umar adopted another measure to reduce slavery. He made it a rule that a slave-girl who had become a mother should not be bought or sold as a slave, which meant that she could no longer be treated as a slave. This rule was of ‘Umar’s own enactment, because before then such slave-girls were bought and sold without let or hindrance. Historiographers as well as authors of Hādīth collections mention this rule among the innovations of ‘Umar. There was yet another way of securing freedom of the slaves, which was called *Mukātaba*, under which the slave made an agreement in writing that he would pay so much money in such and

1. *Futūḥ-ul-Buldān*, p. 377.

2. *Kunz-ul-Ummāl*, Vol. II, p. 312.

such a time to secure his freedom. When he had paid the amount, he became free. The Holy Qur'an itself lays down this rule when it says: "If you see good in them, make an agreement with them." But the jurists do not consider this injunction to be obligatory and opine that the owner is at liberty to accept the agreement or reject it. But 'Umar declared the injunction to be obligatory. As reported in *Ṣaḥīḥ Bukhārī* (Chapter *al-Makātib*), Sirīn, the slave of Anas, requested his master to make such an agreement with him. Anas refused, on which Sirīn took his suit to 'Umar. The Caliph had Anas flogged and referred to the Qur'anic injunction, at which Anas had to agree.

The Story of Shahrbānu

It seems fit at this point to mention the story of Shahrbānu of which a very erroneous version has gained currency. It is generally supposed that when Persia was conquered, the daughters of the Persian Emperor Yezdgird came to Madīnah as prisoners of war, and the Caliph ordered their sale in the market like common slave-girls. But 'Alī remonstrated with him and said it was not the right way to treat a royal family. He proposed that the girls should be appraised and should then be handed over to someone who should be asked to pay for them at the highest rate. Accordingly, 'Alī took them into his own custody and presented one to his youngest son Imām Ḥusain, one to Muḥammad

b. Abū Bakr and one to 'Abd-u'llah b. 'Umar. The silly story started with Zamakhshari who had no acquaintance with history and wrote in *Rabi'-u'l-Abrār*, and Ibn Khallikān copied it from that book in the history of Imām Zain-u'l-'Ābidīn. But the story is wholly baseless. For one thing, leaving Zamakhshari alone, no historian, Ṭabari, Ibn-u'l-Athir, Ya'qūbī, Balādhuri, Ibn Qutaiba or any other has mentioned the story, while Zamakhshari has no place among the historians. Secondly, historical evidences are against the story. The Muslims never captured Yezdgird or his family during the lifetime of 'Umar. On his defeat at Madā'in, Yezdgird left the capital with all his family and went to Ḥalwān. When the Muslims attacked Ḥalwān, he fled to Iṣpahan, and from there he went to Kirmān. So he roamed from place to place until in 30 A.H., in the reign of 'Uthmān, he reached Merv where he was killed. If his family were at all captured, they must have been captured about the same time. I doubt whether Zamakhshari even knew in whose reign Yezdgird met his end.

Besides, at the time to which the story relates, Imām Ḥusain was only twelve years old. He was born in the fifth year of Hijra and the conquest of Persia took place in 17 A.H. It is difficult, therefore, to believe that 'Alī made this unusual present to a boy of twelve years! Moreover, the price of an emperor's daughter must have been fixed very high, whereas 'Alī lived the life of poverty and abstinence. In

brief, from whichever side we look at it, the story seems unbelievable. On the only occasion of this nature in the life-history of 'Umar, which is authentic, the treatment accorded was in keeping with the dictates of decency and humanity, and is also the usage of civilized countries today. When 'Amr b. al-'Āṣ invaded Egypt, the first action took place at Balīs, where after a hard-fought battle the Muslims won, and three thousand Christian prisoners of war fell into their hands. It happened that the daughter of Muqauqish, Roman governor of Egypt, Armanūsa by name, who was in residence at Balīs, was also captured. 'Amr sent her with all honour worthy of her rank to her father, and for greater safety sent one of his officers Qais b. Abī al-'Āṣ Sahnī along with her.¹

Slaves Put on a Level with their Masters

Such were the measures 'Umar adopted to suppress slavery. But for those who were already slaves he made provision which put them on a level with their masters. It has been stated in the chapter on the army department that when 'Umar fixed the salaries of the heroes of Badr and other battles, he also gave salaries to slaves equal to those of their masters, and the same principle was observed on other occasions. Among other inquiries the Caliph was in the habit of making about district and provincial officers, one was about

1. *Maqrīzī*, Vol. I, p. 184.

their treatment of their slaves. If he found that an officer did not visit the slaves who were ill, the Caliph at times dismissed him for that very offence.¹ 'Umar used to invite slaves to dine with him and to say loudly enough for those present to hear: "The curse of God be upon those who feel ashamed to eat with slaves." The army commanders were instructed that if a slave gave protection to any people, it should be regarded as if it had been given by all the Muslims, and the army must abide by it. To one commander he wrote: "A slave of Muslims is one of the Muslims. The protection he gives is their protection and must be honoured."²

Slaves not Separated from their Kindred

One great hardship from which the slaves suffered was that they became separated from their relatives; the son became separated from his father, the daughter from her mother. Those who write articles on the evils of slavery now-a-days draw pathetic pictures of this very aspect of it. 'Umar laid down the rule that no slave should be separated from his kindred, so that the son should be in the hands of one master and the father in those of another. Father and son, brother and sister, mother and daughter should all be sold together and must be kept in the household of the same master. 'Umar's regulations in this connec-

1. *Tabarī*, p. 2775.
2. *Kitāb-u'l-Kharāj*, p. 126.

tion, cited in *Kunz-u'l-'Ummāl* on the authority of *Mustadrak* of Ḥākim, Baihaqī, Muṣannaf b. Abī Shāiba, etc, are as follows :

“When two brothers are sold, they should not be separated.

“The child must not be separated from its mother.

“From among those made slaves on capture in war, mothers should not be separated from their children.”

‘Umar invited the Muḥājirīn and the Anṣār to a discussion on this question and, quoting the Qur’anic injunction : “Do not cut off your relationships” said that no cutting of relationships could be worse than that of the slaves. Ḥākim and Baihaqī have discussed the question in detail.¹

When ‘Umar sent an officer, Musmaṭ b. Aswad, on an expedition to Syria and appointed his son *Shurahbīl* to another post at Kūfah, the father made complaint and said why the Caliph had sent his son away from him, while he disallowed the separation of slaves from their relations.²

Geniuses among Slaves

The position ‘Umar gave to the slaves and the high standard of humane treatment of them set by the Arabs led to the rise of great geniuses from

1. *Kunz-u'l-'Ummāl*, Vol. II, p. 226.

2. *Futūḥ-u'l-Buldān*, p. 138.

among them, who were held in high esteem throughout the empire. 'Ikramah who ranks among the Imāms of Ḥadīth and to whom 'Abd-u'llah b. 'Abbās had given the degree of jurisconsult, and Nāfi' who was the teacher of Imām Mālik and whose chain of reporters is called the golden chain by authorities on Ḥadīth literature, had both been slaves and were the product of 'Umar's age. Ibn Khallikān in his account of Imām Zain-u'l-'Ābidīn says that the people at Madīnah looked down upon slave-girls and their offspring, but when Qāsim, grandson of Abū Bakr, and Sālim, grandson of 'Umar, and Imām Zain-u'l-'Ābidīn came of age and excelled all the inhabitants of Madīnah in learning, the opinions of the people changed, and they began to show due regard to the slaves. But in our opinion the regard was due to the precept and example of 'Umar. No doubt, the achievements of Qāsim and Sālim (I think it disrespectful to mention Imām Zain-u'l-'Ābidīn in this connection) did affect the status of slaves, but if 'Umar had not raised the status of slave-women who were mothers, these gentlemen would never have had the opportunity of attaining those achievements.

It is necessary to point out here that regard for the well-being and uplift of slaves was no innovation of 'Umar, nor, God forbid, had he any right to legislate in this matter. To put a check on slavery and to treat the slaves on a level with their masters was an aim of the Founder of Islam himself, and

whatever 'Umar did was in fulfilment of that very aim. The words and deeds of the Holy Prophet cited by Bukhārī in *Kitāb-u'l-Mufrad* are a sufficient confirmation of this statement.

CHAPTER XVI

STATESMANSHIP AND JUSTICE

Difference between the Statesmanship of 'Umar and Other Kings

THE Great Farūq's empire extended in the east and the west over vast lands, comprising, as it did, many countries and peoples of many races and religions. But from one end to the other of that vast empire reigned perfect peace, order and contentment. There have been mighty monarchs in history, against whose power none dared lift his hand. They were able to achieve peace and security by virtue of a statecraft whose fundamental principle was that law of justice should be abandoned at the least suspicion of revolt, that whole families should be punished for the crime of one man, that suspicion should be enough evidence of crime, that punishments should be ruthless and habitations should be destroyed by fire and sword. These methods of government are not merely ancient history; European imperialism resort to these policies even in this age of culture and enlightenment.

But in 'Umar's Caliphate the path of justice was not abandoned even by a hair's breadth. The people of 'Arbsūs broke their treaty over and over

again, but the worst punishment meted out to them was that they were told to leave the country. Full inventories were taken of their properties for which they were indemnified by double their value. The Christians of Najrān prepared for war and rebellion and raised an army of forty thousand for the purpose. They were deported from Arabia, but were permitted to settle in other parts of the empire, with the additional favour that they were paid the price of their property, and provincial officers were directed that they should be provided with the necessaries of life through whichever territory they passed, and when they had settled down at one place, they should be exempted from *Jiziyah* for two whole years.

Difficulties Confronting 'Umar

Someone might perhaps fancy that the subject races that had fallen to the lot of 'Umar were of such a meek disposition that severe methods were not at all needed to keep them under control. But this would be an error. 'Umar was in fact faced by two sets of difficulties. Alien races brought within the empire, Christians and Parsis, had long enjoyed the imperial estate and could not have readily agreed to the reversal of fortune and the new status of being subjects. Inside Arabia there were people who had ambitions of their own and looked upon 'Umar's Caliphate with jealousy. There was a group whom it was the state's policy

to humour and keep well pleased. They believed that the Caliphate was the right of the families of Hāshim or Umayya, and 'Umar belonged to neither. 'Amr b. al-Āṣ, governor of Egypt, when once taken to task by the Caliph in the matter of the public revenue, said with anguish: "It is a strange luck. In pagan days, my father wore a coat of brocade while Khattāb ('Umar's father) carried fuel wood for sale on his head. The son of the same Khattāb lords it on me today!" The Hāshimites could never overcome the wonder how a Taimite and an 'Adwī had become Caliphs while they were there. Abolition of the Caliphate was openly debated in the reign of Abū Bakr. Shāh Walī-u'llah says in *Izālat-u'l-Khifā*: "Zubair and a company of the Hāshimites gathered in the house of Lady Fāṭima and held consultations for the abolition of the Caliphate."¹

'Umar's power and prestige kept the Hāshimites' ambitions in check but could not kill them outright. Besides, the Arabs, by natural disposition, were anarchic, liberty-loving and individualistic, and it was for this reason that they never tolerated the yoke of a ruler for long. If 'Umar had acted, as Mu'āwiyah did later, and fortified the state by suppressing the Arabs' love of liberty and independence, it would have been no cause for wonder. But he did not wish to destroy this jewel of the Arab character. On the contrary, he fostered

1. *Izālat-u'l-Khifā*, Part 2, p. 29.

it. On several occasions, in public assembly, people criticized him freely and at times even rudely, but he bore with them patiently. During his journey to Syria, in an open assembly the Caliph explained why he had dismissed Khālid, whereupon one of the audience rose and said,¹ "O 'Umar, by God, you have not acted justly. You have dismissed a man whom the Apostle of Allah had appointed; you have put back into its sheath the sword which the Apostle of Allah had drawn. You have disregarded the ties of relationship and have envied your cousin." 'Umar heard it all and said, "Loyalty to your brother has made you angry."

Yet such was the awe that 'Umar's name inspired that he dismissed Khālid at a time when he was extremely popular in Iraq and Syria, and nobody said a word in protest, nor did Khālid carry any ill-feeling against the Caliph. The grand ways of Mu'āwiyah and 'Amr b. al-'Āṣ are well known, but both trembled at the name of 'Umar. 'Abd-u'l-lah, son of 'Amr b. al-'Āṣ, beat a man without just cause. 'Umar had the son flogged by the hand of the sufferer in the presence of the father himself, while the latter saw and dared not protest. Sa'd Waqqāṣ, conqueror of Iran, was called to Madīnah to answer for an ordinary complaint and he came without a word. These instances are enough to show that 'Umar's statesmanship and administrative genius were of such a rare quality that the like

1. *Uṣd-u'l-Ghābah*, art. Aḥmad b. Haṣṣ Makḥzūmī.

of it is not to be found in any statesman or ruler in history.

Peculiarities of 'Umar's Government

The most prominent feature of 'Umar's government was that the rich and the poor, the noble-born and the humble, blood relations and strangers were put on the same level by the state administration.

Jabala b. al-Aiham Ghassāni, a high-placed chief of Syria with royal rank who had embraced Islam, was circumambulating the Ka'ba when someone happened to step on his mantle. Jabala turned and slapped the man in the face. The other fellow also gave one in turn, which sent Jabala into a towering rage. He went to 'Umar and made his complaint. The Caliph heard the story and said he had got what he deserved. Jabala was amazed and said he belonged to such a high family that anyone behaving rudely towards them was punished with death. 'Umar said, it was so in the days of paganism, but Islam had put the high and the low on one level. Jabala replied that if Islam made no distinction between the high-born and the common folk, he would bid farewell to Islam. Accordingly he ran away to Constantinople, but 'Umar would not change the law of Islam for any prince.

On one occasion, high provincial officers were invited to gather at Hajj. 'Umar proclaimed in public assembly that if anyone had any complaint against any of the officers, he should state it. 'Amr

b. al-'Āṣ, governor of Egypt, and other provincial governors were also present on the occasion. A man rose from among the audience and complained that a certain officer had beaten him with a hundred stripes. 'Umar replied that he should avenge himself there and then, at which 'Amr b. al-'Āṣ protested that officers would lose heart thereby. But 'Umar persisted and said, "It shall be so," and again motioned to the complainant to take his revenge. 'Amr b. al-'Āṣ at last paid the complainant two hundred dinārs and dissuaded him from inflicting the punishment.¹

Once the chiefs of Quraiṣh came to see 'Umar. It happened that Ṣuhaib, Bilāl, 'Ammar and others, most of them freed slaves and considered to be of no position in the world, were also in the levee. But the latter were called in first, while the Quraiṣhite chiefs waited outside. Abū Sufyān, who had been the leading chief of the whole Quraiṣh in pagan days, felt it very badly and said to his companions: "This is a strange turn of the wheel that slaves are called into the court while we wait outside." This manner of regret was natural to Abū Sufyān and his contemporaries, but there were those also among them who saw the justice of the case, and one of them replied, "To speak the truth, we have no right to complain against 'Umar. We should rather complain against ourselves; for Islam called us all with one voice, but those who

1. *Kitāb-u'l-Kharāj*, p. 66,

came later by their own ill-luck deserve also to come last today.”¹

When stipends were granted to Arab tribes and the Prophet's Companions after the battle of Qādisiyah, they gave rise to many jealousies. The chiefs of the Quraish and leaders of other great tribes, who were used to distinctions and special favours on all such occasions, cherished great expectations that regard would be paid to social distinctions in the matter of stipends, and their names would top the lists. But 'Umar falsified all their hopes. He ignored all distinctions of wealth and position and fixed stipends only with reference to services rendered to Islam. Those who were prior in embracing Islam, or had distinguished themselves in the early battles of Islam, or had been nearer to the Holy Prophet were given preference over others. Those who were equal in these qualifications were given equal salaries. No difference was made between the master and his slave in this matter, though in Arabia the status of the slave was held in uttermost contempt² On this occasion Usāma b. Zaid was given a higher salary than the Caliph's own son 'Abd-u'llah who protested that he had not been second to Usāma on any occasion. 'Umar replied, “That is true, but the Holy Prophet loved Usāma more than he loved you.”

To give vent to their tribal pride, Arabs used

1. *Usd-u'l-Ghābah*, art. Suhail b. 'Amr.

2. *Futūḥ-u'l-Buldān*, p. 456.

to shout hails to their tribes when engaged in battle. To check this tribal pride 'Umar instructed his army commanders to punish those who raised such cries. A member of the tribe of Daba once shouted "O people of Daba" in a battle. When 'Umar learnt of it, he stopped the man's stipend for one year. Several incidents of this kind are mentioned in books of history.¹

Principle of Equality

The Caliph desired to enforce the principle of equality strictly and would not tolerate any kind of honorific distinction. When 'Amr b. al-'Āṣ had a pulpit built for himself in the Jāmi' Masjid of Egypt, 'Umar rebuked him in a letter and said, "Do you approve of it that other Muslims should sit low while you sit high above them?" Provincial officers were frequently exhorted that they should not adopt any way of life that would distinguish them above others.

Once upon a time, 'Umār had a difference with Ubayy b. Ka'b, and the matter went to the court of Zaid b. Thābit. When 'Umar presented himself in the court, Zaid vacated his seat out of respect for the Caliph. 'Umar said that it was the first injustice he had done in the suit. So saying, he sat down by the side of his opponent.

It was for this purpose of maintaining and inculcating the spirit of equality that the Caliph

1. *Kunz-u'l-Ummāl*, Vol III, p. 167.

observed the uttermost simplicity in his manner of life. At home or abroad, in private or public, nobody could say from any mark or insignia that he was the Caliph of Islam. The ambassadors of Caesar and the Chosroës came to the Prophet's Mosque looking for the Emperor of Islam, and found the Emperor sitting there in a corner, wearing patched garments. His officers addressed him in their correspondence in the same equal style in which he addressed them.

This insistence on equality in daily and official life was hurtful to some of those who cherished sentiments of ancestral pride. But it was in keeping with the Arab character and had an excellent effect, and before long won him the affection of the whole of Arabia. Even among the exalted ones there were those who recognized before long the wisdom of his ways, while those who were too self-centred had not the courage to swim against the stream of popular sentiment.

Another great benefit that accrued from his insistence on equality was that the mutual jealousies and rivalries, which used to keep the Arab tribes for ever at loggerheads with one another and had turned the country into one huge battlefield, lost their keen edge and disappeared to a considerable extent.

Assumption of the Title of Amîr-u'l-Mu'minin

It is necessary to explain at this point why

'Umar, despite his insistence on equality, assumed the proud title of "Commander of the Faithful" (*Amīr-u'l-Mum'inīn*). The fact is that at that time the title implied no pride. It signified simply the post and its functions. Army commanders were usually called *Amīrs*; the unbelievers of Arabia used to call the Holy Prophet Amīr of Makkah, and the people of Iraq had started calling their governor Sa'd b. Waqqāṣ *Amīr-u'l-Mu'minīn*.¹

'Umar had no idea of assuming the title and it was taken up by mere chance. Labīd b. Rabī'a and 'Adī b. Hātim once came to Madīnah and desired to see 'Umar. Having lived at Kūfah, they had formed the habit of saying, *Amīr-u'l-Mu'minīn*. So when they desired, according to usage, to have themselves announced, they said that the *Amīr-u'l-Mu'minīn* should be informed of their arrival. 'Amr b. al-Āṣ made the announcement using the same title. 'Umar asked why they had used it, and they gave the reason. The Caliph approved of it, and from that day it came into general use.² Some narrow-minded person might ask, if 'Umar had no desire for honour or dignity, why did he accept the Caliphate? If he was so very selfless, he should not have come near the high office. The sentiment is common and low. 'Umar could have kept clear of the office, but there

1. Ibn Khaldūn : *Muqaddimah*, chapter "The Title of *Amīr-u'l-Mu'minīn*."

2. Bukhārī : *Aḍb-u'l-Mufrad*.

was none then to shoulder its responsibilities. ‘Umar knew perfectly well that none but he could lift the burden. In these circumstances, would it have been honourable of him deliberately to avoid shouldering the responsibility from the petty fear that others would think him ambitious? Had he done so, how could he have shown his face to his Creator? On the very first day of his assumption of office he explained in a public address: “Had I not the hope that I would prove the most useful for you and the strongest of you and the mightiest of limbs among you all to carry your responsibilities, I would not have accepted this office of you.”¹ The words quoted by Imām Muḥammad in his *Muwatta* are clearer still: “Had I known that somebody else was better able than I to bear this responsibility, it would have been more acceptable to me that I should be slain than that I should be made Caliph.”²

Weigh these words of ‘Umar and see whether there is the least doubt about the truth of his claim.

Statecraft

‘Umar was a master of statecraft. There was not one among the Companions who could be put on a level with him in this respect. The countries comprised in the empire were of three categories: (1) Arabia, (2) Iraq and Persia, and (3) Syria and

1. Baladhurī: *Kitāb-u'l-Ashraf*.
2. *Muwatta*, p. 124.

Egypt, and each category was governed in accordance with its own peculiar conditions. There were great landlords and owners of estates in Iraq and Persia, called *Marzbāns* and *Dahqāns*, who retained their power and influence even after the conquest of Islam. To prevent them from doing any mischief and keep them quiet, they were given political salaries. Among those who were in receipt of such salaries in Iraq may be mentioned Ibn al-Nakhirjān, Bustām b. Narsi, Rafīl, Khalid and Jamīl. In Syria and Egypt, the Romans had deprived the inhabitants of their landed properties. The latter wanted a just government which 'Umar assured them. There was therefore no fear of insurrection or disorder from their side. The Caliph indeed treated them so generously that they often declared that the Muslims were more acceptable to them than the Romans. Though 'Umar's treatment of the conquered people was, as a rule, uncommonly generous, as has already been shown at length in the chapter on the rights of *Dhimmīs*, it appears from a closer inquiry that the peoples of Syria and Egypt remained objects of special favours. Muqauqish, a native of Egypt and vicegerent of the Romans, was treated so generously from the very beginning that he became a devoted friend, and the whole people of Egypt became sincerely loyal on account of him. To ensure peace and security, besides winning the hearts of the subjects by benevolence and generosity, the Caliph settled Arab families

and established cantonments at all strategic points in the empire. Their presence was felt over hundreds of miles of territory, so that nobody had the courage to raise the standard of revolt anywhere. Kūfah and Baṣrah, which became centres of Arab power, were founded for the same purpose. Cantonments were established throughout the coasts of Syria and Egypt to serve the same end.

In Arabia itself the Caliph had to employ other political arts. Jews and Christians were turned out of Arabia altogether. Provincial governors were often transferred from one place to another. With the exception of 'Āmr b. al-Āṣ, there was no governor who had not been transferred more than once. Governors, of whom there was fear of becoming unusually powerful, were dismissed. Men of influence were not permitted to leave the capital. On one occasion, some of these men asked permission to go on *Jihād*. 'Umar replied that they had already done enough in their day in this regard. "Do not go abroad, lest you scatter to the right and the left."¹ 'Abd-u'l-Raḥman b. 'Auf once asked why they were not permitted to go abroad. 'Umar replied that it was better not to answer the question.² He never gave a gubernatorial post to any of his own tribe. Nu'mān b. 'Adī was the only one who was once appointed a district officer, but was shortly afterwards dismissed for good reason. The

1. Ya'qūbī : *Tārīkh*, p. 181.

2. *Ibid*.

Hāshimites were also not given gubernatorial posts for obvious political reasons.

There were three men in Arabia at the time who were possessed of high talents in statecraft and were also ambitious, namely, Mu'āwiyah, 'Amr b. al-'Āṣ and Mughīra b. Shu'ba. As better men were not available in Arabia for great administrative tasks, they were given high posts, but the Caliph always took care and employed every means to see that they should not get out of hand. After 'Umar's death there was nobody to keep them under control, and the great disputes that arose in the reigns of 'Uthmān and 'Alī were the result ambitions of these of men only.

Political strategy is a necessary part of statecraft. But, whereas other rulers and monarchs employ every kind of fraud and trickery to achieve their ends, and even lesser political leaders are not always above such cunning, 'Umar's dealings were ever free from all suspicion of trickery or hypocrisy. Whatever he did he did it openly, and he took the whole people into his confidence as to why he had done it. When Khālid was dismissed, a circular was sent throughout the empire: "I have not dismissed Khālid for incompetency or dishonesty, but because people were too much inclined towards him, and I feared lest they should give their whole loyalty to him."¹ The same reason was given on the dismissal of Muthanna: "I dismissed

1. *Ṭabari*, p. 2528.

them not from any doubt about their rectitude, but people had begun to aggrandize them, and I feared lest they should give their whole loyalty to the two gentlemen.”¹ As will be mentioned more fully later, he explained to ‘Abd-u’llah b. ‘Abbās quite frankly why he had not given any high posts to the Hashimites.

Wise Selection of State Servants

An eloquent proof of ‘Umar’s political acumen, which was in fact a main cause of the very brilliant success of his regime, was the fact that the men he selected to run the machinery of the state were the best fitted for the purposes for which they were employed. It is well known that he had a remarkable aptitude for recognizing worth. He knew all the gifted men in the whole of Arabia and the special talents each possessed, and he employed them on tasks for which they were best fitted. In statesmanship and administrative talents there were four men who had not their equal in the whole country, namely Mu‘āwiyah, ‘Amr b. al-‘Āṣ, Mughīra b. Shu‘ba and Zīād b. Samiyya, and they were all employed on high posts. There was no other man who could have kept Syria, Egypt and Kūfah under control as these men did.

‘Ayyād b. Ghanam, Sa‘d b. Waqqās, Khālīd, Nu‘mān b. Muqrīn, etc., were selected to lead military expeditions. ‘Amr Ma‘dī Karab and

1. *Ṭabarī*, p. 2393.

Ṭalaiḥa b. Khālid were indeed greater fighters, but they could not lead armies, and were, therefore, both excluded from army commands. Zaid b. Thābit and 'Abd-u'llah b. Arqam were distinguished in the literary art and were appointed chief secretaries. Qādī Shuraiḥ, Ka'b b. Sūr, Salmān b. Rabī'a, and 'Abd-u'llah b. Mas'ūd had judicial talents and were appointed judges. In short, every officer selected was appointed to the job for which Nature had made him. Historians of other nations too have recognized this peculiar aptitude of 'Umar. A European writer says: "The choice of his captains and governors was free from favouritism and (Al-Mughira and 'Ammār excepted) singularly fortunate."

Impartial Justice

But the main thing which made his rule so popular and on account of which people put up even with his severity, was his stern justice which knew no distinctions of friend or foe. That in the punishment of offences 'Umar gave no heed to the position of the offender might have offended many, but when they saw that he treated his own kith and kin exactly in the same manner, they had to swallow their wrath. When his son Abū Shahma drank wine, 'Umar punished him with eighty stripes with his own hand, so that the young man died from shame and suffering.¹ When Qadāma b. Maz'ūn,

1. Pulpic preachers have plied their imagination too much in the matter of Abū Shahma, but the plain fact is that 'Umar gave him the punishment prescribed by law, and he died from the same cause. See *Ma'ārif* of Ibn Qutaiba.

the Caliph's brother-in-law and a Companion of high rank, was arrested for the same offence, he was awarded the same punishment in public.

*Acquaintance with Conditions and Administration
in Olden Kingdoms*

One of 'Umar's maxims of statecraft was to inquire into and make himself well acquainted with the laws and methods of administration of other kingdoms and monarchies, and adopt those of them which were worthy of acceptance. In the matter of land taxes, customs duties, secretariat, commissariat, audit and accounts, he followed the ancient laws and customs of Persia and Syria, making such alterations in them as he thought necessary. When he resolved upon the revenue settlement of Iraq, he ordered Ḥudhaifah and 'Uthmān b. Ḥanīf to send to him two leading landlords of the country along with interpreters. On their arrival, the Caliph questioned them about the Persian Emperor's methods and principles of land taxation.¹ Though *Jiziyah* had apparently a religious implication, it was assessed in accordance with the principles of Anūsharwān. Writing of Anūsharwān's administration, especially with reference to *Jiziyah*, Ṭabarī says: "These were the laws which 'Umar adopted when he conquered Persia."²

Ibn Maskawaih is even more explicit on this subject. He was a great philosopher, a contempo-

1. *Kitāb-u'l-Kharāj*, p. 21.

2. Ṭabarī: *Tārīkh Kabīr*, p. 122.

rary of Shaikh Abū 'Alī Sīnā and his equal. He is the author of a book of history, *Tajārīb-u'l-Umam*¹ by name. Writing of 'Umar's provincial administration, he says: "Umar kept a number of Persians in his company. They read to him the policies and laws of administration of kings, of those of Persia in particular, and even among the latter especially those of Anūsharwān, for the Caliph greatly liked the laws of Anūsharwān and often followed them in practice."

Ibn Maskawaih's statement is further borne out by the fact that when, as reported by the generality of historians, Hurmuzān, a chief of Fars, embraced Islam, 'Umar took him into the inner circle of courtiers of administration.

One of 'Umar's preoccupations was to keep himself informed of whatever happened anywhere in the empire. For this purpose he maintained secret agents and reporters in every part of the empire and in every department of the state, so that every incident, big or small, that occurred anywhere was reported to him regularly. Ṭabarī writes: "Nothing was hidden from 'Umar. The reporters kept him informed of those who had revolted in Iraq and who had received rewards in Syria."² On one expedition in Iraq the army commander refused 'Amr Ma'dī Karab his double share in the spoils. 'Amr asked why, and was told that his horse

1. A copy of this book is in the St. Sophia Library of Constantinople; I have consulted the same.

2. Ṭabarī, p. 2526.

was a mongrel, its share had, therefore, fallen through. Ma‘dī Karab, conscious of his martial ability, replied: “Yes, only a mongrel can know a mongrel.” The matter was reported to ‘Umar who rebuked Ma‘dī Karab so severely that the latter never had the courage to make such an insolent speech again. Nu‘mān. b. ‘Adī was the district magistrate of Maisān. Life of luxury turned his head and in a letter to his wife he wrote a couplet meaning: “If the Commander of the faithful learns, he will not like that we live in palaces and hold revelries.” ‘Umar who was immediately informed of this dismissed the officer saying that he did not like his behaviour.¹

Among the Companions was a gentleman, Ḥudhaifah b. Yamān by name, who usually knew the secrets of everybody. He had been in the confidence of the Holy Prophet and was for this reason called *Ṣāhib-u’l-Sirr*. ‘Umar one day asked him if there was any of the party of hypocrites among his officers. Ḥudhaifah replied that there was one, but he would not divulge his name for propriety. Ḥudhaifah reports: “Shortly after ‘Umar dismissed the man. So I thought ‘Umar had himself found him out.”² It was owing to this wide-awakeness and sagacity of ‘Umar that his provincial governors and officers always consulted him before taking any serious step.

1. *Uṣd-u’l-Ghābah*, art. Nu‘mān b. ‘Adī.

2. *Ibid.*, art. Ḥudhaifa b. al-Yamān.

Ṭabarī writes : " People did not do anything without first consulting him." ¹

'Umar was very scrupulous about the public treasury and did not consider any kind of public property outside its scope. Offerings lay hoarded in the Ka'bah since ages, about which he said : " I have decided that whatever of gold and silver there is in it should be distributed among the public." ²

On one occasion when some spoils of war came, his daughter Ḥafṣah, an honoured wife of the Holy Prophet, on hearing of it came to him and said : " Commander of the faithful, give me my share of it, for I am one of the near of kin to thee." 'Umar replied : " My love, your share is in my property, but the spoils of war are public property. You have tried to deceive your father." The lady retired stricken with shame. ³

Friendly relations had been established with the Emperor of the East after the conquest of Syria, and there were frequent exchanges of letters. On one occasion Umm Kalṭhūm, 'Umar's wife, sent some phials of perfume to the Emperor's wife as a friendly present. The Empress returned the phials filled with gems. When 'Umar learnt of it, he told his wife that though the perfume was hers, the messenger who had carried it was a state employee and the expenses of the embassy had been met

1. *Ṭabarī*, p. 2487.

2. *Ṣaḥīḥ Bukhārī*, on Kaswat u'l-Ka'bah,

3. *Musnad* of Imām Aḥmad Ḥanbal.

from public treasury. So he confiscated the jewels and sent them to the public treasury, paying the wife some compensation for her perfumes.

'Umar fell sick once and people advised him to take honey. There was plenty of honey in the public treasury, but he could not take it without permission. So when the people gathered in the mosque for prayers, he asked them the permission to take some honey from the *Bait-u'l-Māl*.¹ The procedure, besides taking formal permission, was intended to lay down the dictum that the ruler of the day did not have the disposal of public treasury at his own will.

'Umar used to live by trade before he became Caliph. Public work left him no time for trade. So he invited the Companions to public assembly and asked them how much he could take from the state treasury for his maintenance. Different people expressed themselves differently, while 'Alī kept silent. 'Umar looked at him, and 'Alī replied: "Food and clothes of average standard." Accordingly, food and clothes for himself and his family were allotted from the public treasury.² When the heroes of Badr were given salaries along with other army commanders, 'Umar too was given five thousand *dirhams* a year. The State revenues amounted to crores, but this was all the salary the Caliph received.

1. *Kunz-u'l-Ummāl*, Vol. VI, p. 354,
2. *Tabarī: Tārīkh*.

When you come to read in the subsequent pages of his manner of living, you will find that the Great Caliph usually wore patched clothes, slept on the floor, and for months on end had no wheat-flour (for bread) in his house. The reason was not that he was an anchorite or a monk. The fact was that it was all he could afford from the emoluments fixed for him from the state revenues. If, at any time, by chance, some big money came his way, he spent it generously. When he married Umm Kalthūm, owing to her high birth and relationship with the Prophet's family, he gave her a dowry of forty thousand *dirhams* and paid the amount on the spot. One of the reasons, why the Hāshimites were not appointed to the administration of any province was 'Umar's fear that they would, in spite of being wealthy, appropriate the fifth of the spoils which they considered to be their legal right, whereas, in 'Umar's opinion, one-fifth of the spoils belonged to the state and could be spent only with the permission of the Imām, as will be shown later. The Caliph expressed his fears openly. When the governor of Hims died, 'Umar had an idea to appoint 'Abd-u'llah b. 'Abbas to the vacant post. But as he had his doubts, he sent for 'Abd-u'llah and told him so. On being asked the reason, 'Umar replied: "I fear lest you appropriate state revenues."¹ The doubt was well based and proved true when 'Alī, during his Caliphate, appointed the

1. *Kitāb-u'l-Kharāj*, pp. 64, 65.

same 'Abd-u'llah as governor and the latter appropriated some money of the public treasury. When questioned by 'Alī, he wrote back that he had not taken his full share yet. It should be remembered in this connection that the thrift and severity which 'Umar exercised in the matter of the public treasury was in a large measure responsible for the success of his regime. One of the reasons of the disorders which broke out towards the close of 'Uthman's reign was that he used public moneys lavishly and gave away large sums from the treasury to his relations on the basis of the misinterpreted Qur'anic injunctions that one should treat one's relations with generosity.

One of the most remarkable things about 'Umar was his despatch of work and attention to details. Matters that claimed his attention were many and varied. Armies were spread over hundreds of miles of territory, while every movement of theirs was watched and directed by the Caliph himself. The various departments of the state and the work they entailed have been discussed above. Compilation of the law and the enunciation of new principles were other department of activity which called for no small labour. Also, he had his own private affairs to attend to. For all that, every transaction took place in proper time, and no department of the state or personal activity suffered. The very hazardous battle of Nihāwand, in which all the forces of Persia partici-

pated, was imminent when a complaint reached Sa'd Waqqāṣ, the governor of Kūfah. The time was critical, 'Umar replied, but the complaint would not be put off. Accordingly, while armies were being equipped from Kūfah, inquiry was also made into the complaint with great care. When the inhabitants of Upper Mesopotamia conspired to invade Syria in conjunction with the Roman Emperor, 'Umar collected armies from various districts with such despatch that all communications were blocked and the people of Mesopotamia were not allowed to join hands with the Emperor.

Ziād b. Ḥadīr was a customs collector in Iraq. He appraised a horse belonging to a Christian at twenty thousand *dirhams* and demanded one thousand as duty. The owner replied he could keep the horse and pay the remaining nineteen thousand. When the Christian again passed by his post, the collector again demanded customs. The owner went to Makkah and complained to 'Umar. The Caliph replied: "Dont worry." The Christian went back to Ziād b. Ḥadīr, fully resolved to pay the duty and recover his horse. But the collector had already received the Caliph's writ to the effect that the same merchandise could not be assessed twice in the same year. Another Christian had a similar experience and reached Makkah exactly at a time when 'Umar was delivering an address in the Sacred Mosque of the Ka'bah. He made his complaint in the midst of the address, when 'Umar

replied: "Customs cannot be charged twice." The Christian stayed at Makkah for a few days, then went to ‘Umar and said that he was the same Christian who had made the complaint about the customs. ‘Umar replied that he was also the same Muslim who had redressed his grievance. On being asked, the Caliph replied that he had sent the necessary orders to Ziād the same day.¹

‘Umar desired that no one should go hungry throughout the empire. So he ordered that all cripples, paralytics and others who were too ill or too old to earn their living should have stipends from the public treasury. There were lakhs of men who had their names on the army register and had their stipends at home. When this arrangement was instituted for the first time, ‘Umar ordered that bread should be baked of one *jarīb* (about twenty-five seers) of flour. When the bread was baked, he sent for thirty men and fed them on it. The same operation was repeated in the evening and the same number of men were fed. The conclusion was drawn that two *jarīb* was enough for a man for one month. The order was, therefore, given that each man should receive so much flour. The amount was announced in the mosque when, with the measure in one hand, he declared: "I have fixed so much food for you. Anyone who decreases it shall be responsible to God. According to another report, his words were: "For every

1. *Kitāb-u'l-Kharāj* pp. 78, 79.

Muslim I have appointed two *mudd* of wheat and one *qist* of vinegar." When someone inquired if the same amount was for slaves also, the Caliph replied in the affirmative.¹

Stipends for the Poor and Indigent

The poor were given stipends from the public treasury without any distinction of religion and, as has already been related in a previous chapter, instructions were sent to the treasury officer that in the Qur'anic injunctions that charities were for the poor and the needy, the "poor" should be understood to mean the Muslim poor, and the "needy" the poor among the Jews and the Christians.

Guest-Houses

Guest-houses were built in most of the cities, where food was provided free for the travellers from the public treasury. Mention has already been made of the guest-houses of Kūfah. 'Umar often went himself to see the travellers fed in the guest-house of Madīnah.

Foundlings

Arrangements were also made in 18 A.H. for the proper care of the foundlings, *i.e.*, children whom their mothers left on the roadside. 'Umar ordered that wherever such a child was found, its nursing and other expenses should be met from the public treasury. The expenditure was fixed at one

1. For full details see *Futūḥ-u'l-Buldān*, p. 460.

hundred *dirhams* a year per head in the beginning and was increased year by year as the child grew.¹

Maintenance of the Orphans

Arrangements were also made for the proper maintenance of the orphans. If any orphan had any property, it was properly managed and sometimes used in trade on behalf of its owner. Once the Caliph said to Ḥakam b. Abī al-ʿĀṣ: "The property of orphans in my possession is decreasing on account of the payment of *Zakāt*. You should put it in trade and pay the profits to their estates." 'Umar handed him ten thousand *dirhams* which in course of time grew to a lakh.

Arrangements During Famine

In 18 A.H. there was a famine in Arabia, which 'Umar grappled with amazing energy. To begin with, all the cash and food stores in the Central Treasury at Madīnah were spent for the relief of the sufferers. When these did not suffice, he directed the provincial governors to collect food grains from their territories and send them to Arabia. Abū 'Ubaidah sent four thousand camel-loads of grains, 'Amr b. al-ʿĀṣ sent twenty ships by way of the Red Sea, each carrying six thousand maunds of grain. 'Umar himself went to see the ships at the port, named Jār, which is at three stages from Madīnah. Two big buildings were erected at the

1. *Balādhurī*, p. 452; *Ya'qūbī*, Vol. VII, p. 71.

port, and Zaid b. Thābit was commanded to prepare a statement of the famine-stricken people giving their names and the amounts they needed. Coupons bearing the seal of 'Umar¹ were given to the people against which they could obtain the grain. Besides, twenty camels were daily slaughtered under his personal supervision and cooked food was distributed among the sufferers. It may be pointed out here that though 'Umar was so anxious for the health and happiness of the people, his generosity was not the kind of Asiatic generosity which usually leads to idleness and easy living. Pretty stories are often related of the liberalities of Asiatic kings and nobles, but those who tell these tales do not realize that while they redound to the credit of the said kings and nobles, they also imply that Asiatics are a race of beggars who depend upon the bounties of kings. It was Asiatic bounties of this variety which have produced among us hosts of people who feel no inclination to earn their living with their own hands and live on the bounty of others.

'Umar was well aware of the baneful effect of charity on the morals of the people and took great care that habits of indolence and living on the charity of others should not find way among his people. The people who were given stipends in cash or kind were those who were expected to render military service at some time or other, or had

1. For full details see, *Ya'qūbi*, p. 77

already rendered some distinguished service, or were unable to earn their living through illness or old age. With the exception of these, the Caliph did not approve of charity to any. Ibn Jauzī says in *Sīrat-u'l-'Umarain* that a beggar once came to 'Umar who had his bag was full of flour. 'Umar took the bag, emptied it out before camels and said, "Now ask what you want." Māwardī says in *Aḥkām-u's-Sultāniyah*: "It is the censor's duty to censure and reprimand those who accept charity, though they are quite fit to earn their living." Māwardī supports his thesis by reference to 'Umar's action and says, "'Umar did this in respect of a people who were in receipt of charity."¹

'Umar used to ask, when he saw a seemingly well-to-do person, if he earned his living. If he was told that he did not, the Caliph would say: "The man has fallen in my esteem." He used to say: "Work, however low, is better than asking charity of others." Living on charity usually falls to the lot of divines and Ṣūfīs. Ṣūfīs had not yet appeared on the stage, but to the divines he said plainly: "Do not make yourselves a burden upon the Muslims."²

A remarkable feature of 'Umar's life was that though he had to grapple with large problems, he gave personal attention even to small affairs, for which he never found himself short of leisure. Among them were petty items of work, the execu-

1. *Al-Aḥkām-u's-Sultāniyah*, (Egyptian Edn.), p. 235.
 2. Ibn Jauzī: *Sīrat-u'l-'Umarain*.

tion of which apparently ill-became the dignity of the high office he occupied, but he felt no shame in doing them with his own hands. He often personally distributed the allowances of the stipendiaries. Qudaid and 'Asfān are two towns several miles from Madīnah, where the tribe of Khuzā' lived. 'Umar went in person to these towns, with the stipendiaries' register in his hand. On seeing him coming, people used to come out of their homes and 'Umar distributed the stipends among them with his own hands. At times, he went to the pen where animals received in *Zakāt* were kept. There he would stop by each camel, count its teeth and note down its marks.

Ṭabarī writes on the authority of Ḥudhaifah: "It was 'Umar's daily routine to visit the homes of soldiers who were on the battlefield and ask their womenfolk if they had to make any purchases from the bazaar, he would do it for them. They would send their maids and 'Umar would make the purchases and hand over to them. When a messenger came from the battlefield, bringing letters from soldiers, the Caliph would himself deliver them at their homes, and tell the inmates that the messenger would return on such and such date, and they should keep their letters ready by that time. He would himself supply paper, pen and ink, and when there was no literate person in a family, he would himself sit outside the door and write to their dictation."

Means of Knowing the People's Grievances

'Umar was anxious that no complaint or grievance of any of his subjects should fail to reach him. It was his daily custom to wait in the mosque after every prayer, so that if anybody had anything to say he might be able to speak to him. If there was none there, he would wait a while and then go home.¹ He would walk the streets at night, question passers-by in his journeys, and make inquiries of messengers from the provinces.

Deputations

The most efficient means of acquainting himself with the conditions obtaining in the empire were the deputations that came to Madīnah every year from the provinces and represented to the Caliph the needs and hardships of the local inhabitants. Deputations were an ancient institution of Arabia, and 'Umar utilized them for purposes which the people's representatives serve in modern democratic governments. The deputations that waited upon 'Umar, and how they represented the needs of the provinces are discussed at length in *'Iqd-u'l-Farīd*.

'Umar's Journey to Syria

But 'Umar was not content with the deputations. He was afraid the local officers did not exert themselves sufficiently for the welfare of the people, and everybody could not come to him personally. Therefore he resolved to go to them himself, tour

1. *Kunz-u'l-Ummāl*, Vol. II, p. 230.

Syria, Jazīrah, Kūfah and Baṣrah and halt two months in each province to see the conditions in those provinces with his own eyes. But death intervened and he could not carry out the project. However, during his last tour to Syria, he visited every district, met the people and redressed what wrongs came to his knowledge. A pathetic incident took place in the course of his journey. He was returning from Syria when on the roadside he saw a tent. 'Umar alighted from his camel and went to make inquiries. He met an old woman there, whom he asked if she had any news of 'Umar. "Yes," she said, "the Caliph has started from Syria, but curse him, I have not received a penny from him so far." The Caliph protested that 'Umar could not know of everything so far away. "Then why did he become Caliph, if he cannot keep himself acquainted with the condition of his subjects?" replied the old woman. 'Umar was deeply moved.

We narrate here a few more anecdotes which will enable the reader to realize what enormous care 'Umar gave and what labours he endured for the well-being and happiness of his subjects.

A caravan arrived in Madīnah and put up outside the city. 'Umar himself went to keep watch over them. He was patrolling when he heard a cry and found that it was a baby crying in his mother's lap. He exhorted the woman to quiet the baby. A little later, passing by the tent he again found the child crying. 'Umar was angry and said she

was a very cruel mother. The woman replied: "You do not know the truth about the matter. You are only wasting your breath with these exhortations. 'Umar has ordained that children should not have stipends from the public treasury until they are weaned. I am trying to wean the baby. That is why it cries." 'Umar was stricken with remorse and wondered how many babies he had killed in that way. He ordered forthwith that children in future would have their stipends from the day of their birth.

Aslam, 'Umar's slave, relates that 'Umar went out one night for a round. When he came to a place called Ṣarār, about three miles from Madīnah, he saw a woman cooking something and a couple of children sitting by crying. 'Umar went up to them to inquire what was the matter and was told that the children had not had any food, and to quieten them she was pretending to cook, though the pot had only water in it. The Caliph rose, returned to the city, took a pack of flour, meat, *ghee* and dates from the *Bait-u'l-Māl* and told Aslam to load them on his back. Aslam offered to carry them for him. "Yes," replied the Caliph, "but on the Day of Judgment you will not be there to carry my burden for me." So he carried the load himself and placed the provisions before the woman. She cooked and baked bread while the Caliph minded the fire. When the food was ready, the children ate and frisked about with joy. 'Umar saw their joy and felt happy.

The woman thanked him and said: "May God bless you! In truth you are better fitted to be Caliph than 'Umar."

'Umar was making a round one night when he saw a Bedouine sitting outside the door of his tent. The Caliph sat down with him and opened a conversation when suddenly a cry issued from the tent. 'Umar asked who it was and was told that it was the wife in throes of childbirth. 'Umar came home, took Umm Kulthūm, his wife, with him and with the Bedouine's permission sent her into the tent. A little later the child was born and Umm Kulthūm called out: "*Amīr-u'l-Mu'minīn*, congratulate your friend!" On hearing the word "*Amīr-u'l-Mu'mimīn*," the Bedouine started and sat down in a respectful attitude. "Never mind," said 'Umar, "come to me tomorrow and I shall give a stipend for the baby."

'Abd-u'r-Raḥmān b. 'Auf relates: "Umar came to me one night and I said there was no need to take the trouble. He should have called me. But 'Umar said that a caravan had arrived and was encamped outside the city. The people must be tired, and it would be well if they both went and kept watch for the night. We went and kept watch the whole night."

'Umar suffered much in the year of famine in Arabia. As long as the famine lasted, 'Umar ate no meat, *ghee*, fish or any delicious food, and used to pray with anguish: "O God, do not destroy the people of Muḥammad for my sins!" His slave

Aslam says, it appeared from the anxieties he suffered that if the famine had continued longer, the Caliph would have died of sheer anxiety.¹ The steps 'Umar took to relieve the famine have been mentioned above.

A Bedouine once came to 'Umar and recited a verse: "O 'Umar, real joy is the joy of the paradise. Clothe my daughters and their mother. By God, you shall do it."

'Umar asked what would happen if he did not, and the Bedouine retorted: "You shall be questioned about me on the Day of Judgment. You will be taken aback (and have no answer to make). Then you will go either to heaven or hell." 'Umar wept until his beard was wet. As he had nothing else with him, he gave away his own shirt.

One night when 'Umar was on his rounds, he heard a woman singing a verse in the upper storey of her house: "The night is dark and getting long, and my beloved is not by me that I might enjoy it."² Her husband had gone to war and she was singing pathetic songs for his absence. 'Umar was touched and thought he had done much hurt to the women of Arabia. He asked his daughter Lady Ḥafṣah how long a woman could remain without her husband. She said four months. Next morning the Caliph sent orders throughout the empire that

1. These reports, based on sound authorities, are cited in *Kunz-u'l-Ummāl*, Vol. VI, p. 343.

2. *Sirat-u'l-'Umarain* and *Izālat-u'l-Khifā'*.

no soldier should be kept away from his family for more than four months.

Sa'īd b. Yarbū' was a Companion who had lost his sight. 'Umar asked him why he did not come to the mosque on Fridays. He pleaded that he had no one to guide him. 'Umar gave him a servant who always accompanied him.¹

'Umar was feeding some people one day when he saw a man eating with the left hand. 'Umar asked him to eat with the right hand, upon which the man replied he had lost the right hand in the battle of Yarmūk. The Caliph was moved. He sat down by his side, condoled with him on the loss of his hand, and wondered who helped him to wash and dress. Accordingly, 'Umar gave him a servant to wait upon him and attend to his needs.

1, *Usd-u'l-Ghābah*, art. Sa'īd b. Yarbū'.

CHAPTER XVII

IMĀMAT AND IJTIHĀD

IMĀMAT is in reality akin to prophethood and an Imām is in nature very near to a prophet. Shāh Walī-Ullah says: "In this *Ummat* (i.e., followers of Muḥammad) there are people the essence of whose being is created like unto the essence of prophets, and these people are by nature the true successors of prophets."¹

Though religious beliefs and injunctions are evidently simple and easy of comprehension, for belief in the Creator of the universe, recognition of His attributes, faith in the rewards and punishments of one's deeds, piety and worship and good morals are the real and basic teachings of all religions, and these are simple and easy to understand, yet one is so apt to fall into doubt and error about them that if one does not approach them with care and intelligence, one is very likely to be misled. It is for this reason that though these teachings are more or less common to all religions, yet errors have occurred in almost all of them. Islam came to remove these errors and laid great emphasis on the exercise of intelligence about them. But as the commonalty of people are not much blessed with keenness of insight, the majority of people in every

1. *Izālat-u'l-Khifā'*, Part 1, p. 9.

age go astray from the truth. The need therefore remained of Imāms and reformers whose function is to see to it that truth is not lost. For example, Islam has laid great stress on the idea of divine unity and has taken great pains to suppress polytheistic notions. Yet in the attitude towards the graves and shrines of saints of not only the common herd but also of people who should know better, polytheistic elements are obvious, though they try to veil them under fine phrases like "benefitting by graves" and "seeking blessings."

The clarity of vision of which 'Umar gave proof in comprehending these matters of doubt and depth, and the courage with which he spoke on them before his contemporaries were rare even among the Companions.

Predestination

Taqdīr or predestination is one of the most abstruse problems of theology, on which even great leaders of religion have fallen into error, so much so that some of the Companions of rank fell into an error about it. When plague broke out at 'Amwas and 'Umar went to Syria, on arrival at Surgh he found that the plague prevailed there with the greatest virulence. 'Umar resolved to leave the place, whereupon Abū 'Ubaidah, who believed that everything happened on the decree of God, angrily said, "Are you running away from the decree of Allah?" "Yes," said 'Umar, "I fly from one decree

of Allah to another decree of Allah," solving thereby a very abstruse problem in simple but profound words.¹

Respect for the Sacred Places

Islam enjoins respect for sacred places, and respect for the Ka‘bah, the Black Stone, etc., is enjoined for this very reason. But it has very much the appearance of idolatry, and it is owing to similar resemblances that worship of idols has found its way into many religions. ‘Umar warned the people on several occasions from falling into the same error. On one occasion, standing in front of the Black Stone, he declared aloud, "I know thou art but a stone and canst do neither good nor harm."

How far removed was ‘Umar’s declaration from the public sentiment may be seen from the fact that many compilers of Ḥadīth, while reporting ‘Umar’s declaration, also added the words, "‘Alī objected at once and proved that the Black Stone could do both good and harm, for it will bear witness about the people on the Day of Judgment." But the addition is false and a fabrication, as critics of Ḥadīth have pointed out.

The Holy Prophet had, on a historic occasion, made the Muslims take the oath of allegiance to death under a tree. The people began later to visit the place and to look upon the tree as something

1. *Ṣaḥīḥ Muslim*, Chapter on Plague.

sacred. 'Umar had the tree cut by the roots.¹

'Umar was once returning from the Ḥajj. On the way was a mosque in which the Holy Prophet had once said prayers. In view of this association people rushed towards the mosque, at which the Caliph admonished them and said that the Jews and Christians had gone astray by worshipping the relics of their prophets.²

People have often erred in respect of the nature of prophethood, and difference of opinion continued even among the Muslims. The majority of people think that every word and deed of a Prophet is determined by God. Those who were a little bolder made an exception in the matter of some social usages. But the fact is that whatever injunctions a prophet gives by virtue of his being a prophet are without doubt from God, while other words and deeds have reference only to time and place and possess no permanent religious or legal value. The way 'Umar cleared up the question had not been done by anybody else. Imām Shāfi'ī has argued on questions like assessments of land revenue and *Jiziyah*, sale of the slave-girl who had become mother, etc., with great vehemence, basing his arguments on Ḥadīth, and has criticized 'Umar very boldly wherever he differs from the latter's opinions. But Imām Shāfi'ī did not realize that these matters

1. *Izālat-u'l-Khifā'*, Part 2, p. 91. See also Zarqānī: *Sharḥ Mawāhib Ladunnia*, who says while writing on *Bay'at Ridwān* that Ibn Sa'd corroborated this incident in his *ʿabaqāt*.

2. *Izālat-u'l-Khifā'*, Part 2, p. 91.

had no reference to prophethood, and that the Prophet himself gave the Muslims full freedom to decide such questions. The question will be discussed more fully later.

One of the most important principles of the sacred law established by ‘Umar was that all laws were based on reason and equity. Two opinions have always been current with regard to religious teachings, one group holding that reason has no place in religion and the other that the whole edifice is built on reason. The latter opinion has given rise to what is called *‘Ilm-i-Asrār-u’ d-dīn*, i.e., knowledge of the bases of religion. It has become a science in itself, and Shāh Walī-Ullah’s book *Hujjat-u’llah al-Bālighah*, is a treatise on the same subject. All the same, only a minority has subscribed to this principle, owing partly to the fact that the insight it calls for is beyond the capacity of the generality of people, and partly to the common sentiment that piety consists in accepting every teaching without question, and that reason should not be permitted to intrude.

‘Umar belonged to the latter school and was the first man to found *‘Ilm-i-Asrār-u’ d-dīn*. Shāh Walī-Ullah says in *Hujjat-u’llah al-Bālighah* that ‘Umar, ‘Alī, Zaid b. Thābit, ‘Abd-u’llah b. ‘Abbās, and Lady ‘Ā’isha treated of this branch of knowledge and explained the foundations of faith.¹ Of the persons mentioned by Walī-Ullah, ‘Abd-ul’lah b.

1. *Hujjat-u’llāh al-Bālighah*, p. 6.

'Abbās was thirteen years old at the time of the Holy Prophet's demise; 'Alī was ten or twelve years old at the time of the Holy Prophet's advent; Zaid b. Thābit was eleven years old at the time of the Immigration to Madinah, while Lady 'A'isha was eighteen years old at the time of the Holy Prophet's death. This shows that though these personalities encouraged the growth of this knowledge, they were not its originators, that honour being the merit of 'Umar alone.

'Umar always thought of the reasons and purposes of a religious injunction. If any injunction appeared to him to be opposed to reason, he would enquire of the Holy Prophet about it. Permission to shorten prayers during journeys was based on the fact that in the earlier days of Islam the roads were unsafe and the fear was ever present of the unbelievers falling upon the Muslims unawares. The Holy Qur'an refers to this fact when it says: "There is no sin on you if you shorten your prayers when you fear that unbelievers would molest you." But the injunction continued operative even when the roads had become safe. 'Umar wondered and asked the Holy Prophet why the shortening of prayers was still permitted while the roads had become safe. The Holy Prophet replied it was a concession from God Himself.¹

Among the rites of Hajj is one called *raml*, which consists in easy running in the first three

1. *Sahih Muslim*, traditions on Prayers during a journey.

circles in the circumambulation of the Ka‘ba. The custom began quite incidentally. When the Holy Prophet came from Madīnah to Makkah to perform the Ḥajj, the unbelievers declared that the Muslims had become so emaciated (from poverty and starvation) that they were not strong enough to circumambulate the Ka‘ba, at which the Holy Prophet ordered the *Raml*.¹ Later it became a custom, so much so that the founders of the four schools of law consider it to be a necessary rite of Ḥajj. But ‘Umar declared: “*Raml* is no longer obligatory for us. It was intended to impress the unbelievers and the unbelievers have all perished.”² As *Shāh Walī-Ullah* says in *Hujjat-ullah al-Bāliḡha*, ‘Umar had made up his mind to abolish the rite, but let it remain as a remembrance of the Holy Prophet. ‘Abd-u’llah b. ‘Abbās had been educated by ‘Umar. When he was told that people regarded *Raml* as a *Sunnah* of the Holy Prophet, he replied they were wrong.³

‘Umar made so many pronouncements on questions of *Fiqh* that they would make a volume. A prominent feature of those pronouncements is that they are in accordance with the dictates of reason and equity, from which it is evident that he must have been an expert in this branch of knowledge, namely, *Asrār-ud-Dīn*.

Preservation of Islamic Moral Values

The real object of the Holy Prophet’s advent

1. *Ṣaḥīḥ Muslim*, tradition on prayers during a journey.
2. *Ṣaḥīḥ Bukhārī*, chapter on *Raml*.
3. *Isālat-u’l-Khifā’*, Part 2, p. 195.

in his own words was: "I have been sent in order to set up the highest example of moral values," and one of 'Umar's great achievements was that the high and exalted morals which the Holy Prophet had taught were preserved in the nation by the Caliph's precept and example, and were transmitted to other peoples that entered the fold of Islam.

'Umar was a living picture of Islamic life. His sincerity, his self-abnegation in the service of Allah, his avoidance of life's pleasures, his control of the tongue and devotion to truth and justice impressed the people deeply, and whoever came into contact with him became moulded after his pattern. Mas'ūr b. Maḥzama says: "We used to seek his company in order to learn righteousness and fear of God." Mas'ūdī commences his account of 'Umar with the words: "His virtues had impregnated all his officers and commanders." To support his thesis he goes on to describe the virtues of Salman the Persian, Abu 'Ubaidah, Sa'īd b. 'Āmir and others.

Extermination of Vices Reminiscent of Pagan Days

The great vices of the pagan days of Arabia were pride of birth, contempt for others, satire and evil speech, sexual extravagance and drunkenness. 'Umar exterminated these evils entirely. Customs born of tribal and family pride were abolished. Cries of tribal pride which they used to shout in battles were stopped by order, and the distinction of servant and master was removed. Ṣafwan b.

Umayya once invited him to dinner with a number of other respectable people. When the dinner was laid, servants were not seated at the board. ‘Umar was enraged at this and said, “Heaven deal with those who treat servants with contempt!”

A number of people once went to see Ubayy b. Ka‘b, a Companion of eminence. When Ubayy rose from the company, they all stood up and walked with him as a mark of reverence. ‘Umar happened to come that way. Seeing the strange procession, he gave one lash to Ubayy b. Ka‘b. Ubayy was thunderstruck and asked what the matter was. ‘Umar replied, “Do you not know that this manner of servile following is a trial to the one who is followed and abasement to those who follow?”¹

Prohibition of Sāṭire

The vehicle of satire and evil speech was poetry. Poets wrote lampoons of their rivals and adversaries, and as poetry was a popular pastime in Arabia of the day, the satires used to get swift publicity and led to many disputes and much mischief. ‘Umar declared the writing of satires a criminal offence and provided punishment for it, which is regarded as another innovation of the Caliph. Huṭayya was a famous poet of the period and, like the Urdu poet Sauda, was an accomplished master of satire. ‘Umar sent for him and imprisoned him in a cellar and released him only on the promise that

1. *Musnad* of Dārīmī.

he would never write another satire.¹ In the days of the Holy Prophet when the Quraish saw that all weapons against him had failed and began to write and publish satires against the Holy Prophet and his followers, he permitted Hassan b. Thabit to pay them back in the same coin. Hassan's poems remained in currency even after the Quraish had embraced Islam. When 'Umar became Caliph, he ordered that they should no longer be recited, as they revived memories of ancient enmity.²

Check on Sexual Laxity

Poetry was also the chief instrument of sexual laxity. Poets indulged in ribald poems, in which they spoke of their sweethearts by name. Owing to the general prevalence of the poetical taste, these poems were soon on the lips of everybody, whereby the leaven of sexual looseness became implanted far and wide. 'Umar issued a stern order that nobody should write such love poems. The author of *Usd-u'l-Ghābah*, writing of Hamid b. Thaur, says of the order: "Umar commanded the poets not to write about women else they would be flogged."

The punishment of drunkenness was doubled. The punishment had formerly been forty stripes; he made it eighty.

The results of these measures were very beneficial. Owing to the vast conquests of the period, wealth had increased tremendously and means of

1. *Usd-u'l-Ghābah*.

2. *Aghāni*, art. Hassan b. Thabit,

indulgence and luxury had multiplied many times. But the people did not fall into luxury and the foundations laid by the Great Lawgiver of a pious and godfearing life remained intact.

Security of Individual Freedom

Character derives its strength and nourishment in truth from the individual's freedom and self-respect, and 'Umar gave special attention to strengthening the foundations of both. In fact, 'Umar stands unique in this respect, for the like of him is not to be found among other Caliphs. The Umayyads were enemies of freedom outright, and 'Abd-u'l-Malak went so far as to order that none should utter a word against his ordinances. 'Uthman and 'Alī did not interfere with personal freedom, but failed to stop the growth of its evil aspects, with the result that 'Uthman died the death of a martyr and 'Alī had to fight the battles of Jamal and Šiffin. 'Umar, on the other hand, while he allowed the fullest freedom to the individual, never permitted the state's majesty to fall into contempt.

On various occasions, by word of mouth and in writing, the Caliph let the people understand that every man was born free and not even the humblest man should have to abase himself before others. When the high-born son of 'Amr b. al-Āṣ beat a Copt without just cause, 'Umar had him punished publicly by the hand of the same Copt, and addressing the father and the

son he said: "Since when have you turned men into slaves, whereas they are born free of their mothers?"

High-born men in Arabia were called *Sayyids* or chiefs of their tribes, and men in lower strata used to address them with: "May God make me your sacrifice" or "My father and mother be thy sacrifice." The words savoured of servitude and subjection, and 'Umar expressed his disapproval of them on various occasions. He was himself once addressed with the words, "May God make me thy sacrifice." 'Umar said to the speaker, "If God does so, He will abase thee." How free, bold and candid in speech the people became through this manner of treatment by 'Umar may be judged from the following incident. Mounting the pulpit, the Caliph one day said, "Friends, if I incline to the worldly life, what would you do?" Someone stood up at once from the midst of the assemblage, drew his sword and said, "We shall cut off your head." To try his mettle, 'Umar said severely, "Do you say so of me?" "Yes, about you," the man replied. 'Umar said, "Praise to Allah, there are men in the nation who would put me right if I go astray."

Many men had married Christian wives after the conquest of Iraq. 'Umar wrote to Ḥudhaifa b. al-Yaman that he did not like it. Ḥudhaifa wrote back to inquire whether it was his personal opinion or a dictum of the law. 'Umar replied it was his

personal opinion, on which Hudhaifa wrote back that he was not bound to follow his personal opinion. The result was that, in spite of 'Umar's disapproval, a large number of men married Christian wives. Ya'qūbī says that when 'Umar had the effects of many officials sold by auction and confiscated half the proceeds for the public treasury, one official, Abū Bakr by name, spoke out and said, "If the property was Allah's, the whole of it ought to have gone to the treasury. If it was ours, what right had you to take it?"

'Umar's personal example and his teaching and discipline bore excellent fruit, so that every member of the Muslim society became a paragon of purity of thought, good nature, humility and courtesy, courage and boldness, sincerity, love of truth and justice and selflessness. If you look at the picture of the society of that day in the pages of history, you will find these features in the character of every man.

The sciences of Ḥadīth and *Fiqh* are really his creation. There were others too among the Companions who were versed in both, and they are said to have been more than twenty, but the sciences as sciences originated with him, and it was 'Umar who formulated their principles.

Inquiry into the Reliability of Ḥadīth

The first step 'Umar took with respect to the science of Ḥadīth was to direct inquiry into the

reliability of reports. No thought was given to a thorough study of Ḥadīth in the lifetime of the Holy Prophet. When anybody met with a new question, he asked the Holy Prophet himself. It was for this reason that no single Companion was versed in all the various branches of the law. More needs arose in the reign of Abū Bakr, and it became necessary to make inquiries of many Companions, and the way opened for investigation into Ḥadīth. The reign of 'Umar was crowded with events, vast countries were conquered and hosts of new converts entered the fold of Islam. These circumstances gave birth to hundreds of new problems. 'Umar had, therefore, to give greater attention to Ḥadīth, so that the new problems could be solved in the light of the Holy Prophet's sayings. The usual practice was that when a new question cropped up, 'Umar announced it in the public assembly, at which most of the Companions used to be present, and inquired if any of them remembered any saying of the Holy Prophet bearing on the subject. Books of Ḥadīth report in detail how 'Umar questioned the Companions and discovered Ḥadīth reports when such questions as the number of *takbīrs* in funeral prayers, the bath of sexual purity, *Jiziyah* to be levied on Magians, and others of the same kind had to be decided.

Publicity of Ḥadīth

The wider the Ḥadīth is spread and publicized, the greater the authority obtains and the more de-

pendable it becomes for later generations. 'Umar therefore adopted many measures for its extensive dissemination.

Faithful transcripts of the Holy Prophet's sayings were sent to district officers, which led to their general publicity. These sayings usually related to laws and commandments.

Those among the Companions who were experts of Ḥadīth were sent out to different countries for public instruction in the same. Shāh Walī-Ullah writes: "The Great Fārūq sent 'Abd-u'llah b. Mas'ūd with a number of persons to Kūfah, Ma'qal b. Yasār, 'Abd-u'llah b. Maghfal and 'Imrān b. Ḥaṣīn to Baṣrah, and 'Ibāda b. al-Ṣāmat and Abū Dardā' to Syria, and wrote to Mu'aviya b. Abī Sufyān impressing it upon him strongly that their reports should not be exceeded."¹

One point is worthy of note here. The idea prevails among the commonalty that though 'Umar took great pains for the propagation of the knowledge of Ḥadīth, he himself has reported it but sparingly, so that the Ḥadīth reports which have reached us from him through reliable chains of reporters do not exceed seventy. This is true, but there is a misunderstanding. Scholars of Ḥadīth agree that when a Companion makes a pronouncement which is not based on personal opinion or inference, even though he does not mention the name of the Holy Prophet, it is to be understood that he heard the

1. *Isālat-u'l-Khifā'*, Part 2, p. 6.

pronouncement from the Holy Prophet. This principle is in fact quite sound and reasonable. For instance, when 'Umar wrote to the provincial governors that Zakāt was obligatory on such and such things and was to be collected at such and such rates, there is no ground for inferring that he was laying down the law of himself and had himself assumed the position of the lawgiver. It could only mean that the Holy Prophet must have himself laid down the rules in respect of Zakāt. The uttermost one could say in such a case is that 'Umar might not have quite understood the Hadīth, that possibly the Holy Prophet had not fixed the said rate as obligatory, but that 'Umar considered it obligatory according to his own understanding of the Hadīth. But this possibility remains even in the case of those reports in which the Companion may have mentioned the Holy Prophet's name. On the basis of this principle, all those laws and commandments which 'Umar announced on prayer, fasting, Hajj, Zakāt and other matters in his public addresses, in written instructions to officers and his *farmāns*, must be understood to be the injunctions of the Holy Prophet himself, even though the Holy Prophet's name is not mentioned therein. Shah Walī-Ullah writes: "He used to narrate Hadīth reports in his public addresses without naming his reporters in order that the reports should become well established. There are people who think only six reliable Hadīth sayings are reported from Abū

Bakr and seventy from ‘Umar. They do not realize that ‘Umar has strengthened the whole body of Hadīth.”¹

Collection, Sifting and Publicity of Hadīth

Whatever ‘Umar did for the collection, sifting and publicity of Hadīth was in itself of immense value, but his real distinction in this connection consists in something else, which is peculiar to him. The general love of the study of Hadīth prevalent in that age itself went a long way to promote its dissemination. But the keen distinction ‘Umar made in the categories of Hadīth and the criteria he set up of their values are matters which do not appear to have suggested themselves to any other. His first concern was to inquire which kind of Hadīth reports deserved the first consideration; for though every word and deed of the Holy Prophet is, for the believers, a precious treasure, yet on the commonsense principle that first things must come first, ‘Umar centred his mind entirely on the dissemination and publicity of those Hadīth reports which bear on questions relating to worship, morals and social dealings, while reports which did not concern these subjects did not receive much attention from him, his object being that words and deeds of the Holy Prophet which were related to his prophetic mission and those concerning his life as a human being should not get mixed up. Shāh

1. *Izālat-u'l-Khifā'*, Part 2, p. 6.

Walī-Ullah writes: "On thorough inquiry we find that the Great Fārūq employed a deep insight in distinguishing those Ḥadīth reports which relate to the publicity of law and moral growth of men from others. Therefore, he reported little of those Ḥadīth reports which relate to the Holy Prophet's person and others concerning his clothes and personal habits. He did so for two reasons. Firstly, because the latter have no value in law and obligatory duties, and secondly, if the same care were bestowed on their dissemination and publicity, the reports relating to religious guidance and those not so related might get mixed up."¹

Nor did 'Umar care for the dissemination of those reports containing prayers in certain set words, whereas reports of this kind make up a large part of the Ḥadīth collections of many compilers. Shāh Walī-Ullah explains the reason: "'Umar knew well that acceptance or non-acceptance of prayer depends on the sincerity and humility of the one who prays, not on the words he employs in prayer."²

Ḥadīth Criticism

The greatest service 'Umar rendered to the study of Ḥadīth was the invention of the science of Ḥadīth criticism. It is a common practice today, a practice which has prevailed in fact for a long time, that whatever is ascribed to the Holy Prophet,

1. *Isālat-u'l-Khifā'*, Part 2, p. 241.

2. *Ibid.*

right or wrong, it obtains currency and general acceptance immediately. It was due to this looseness that all absurd stories of the Jews became incorporated in the collections of Hadith. Hadith experts tried to check this tendency to some extent by means of criticism, but when they found a reporter reliable, they did not inquire further into the nature of the reports made by him. Besides, the experts assumed it as a general principle that no report coming from the first decade of Islam could possibly be weak or false. But 'Umar knew that no age was quite free from human weaknesses. Therefore, in weighing reports he kept before his mind all those possibilities of error which later experts employed in Hadith criticism in their day. To take an example Abū Mūsā Ash'arī once came to see him and by way of seeking permission said *Assalām-u-'Alaikum* (peace be on you) thrice, adding each time, "Abū Mūsā is here." 'Umar was preoccupied and failed to attend to him. When he had finished his work, he inquired where Abū Mūsā had gone away, and the latter being recalled, asked him why he had gone away. He said: "I have heard the Holy Prophet say, 'Ask permission three times; if you do not receive permission, go away.'" 'Umar asked for proof and said that he would be punished if he failed to establish the authenticity of the saying. Abū Mūsā went to the Companions and stated his case, whereupon Abū Sa'id came and bore witness that he had heard

the Holy Prophet say so. Ubayy b. Ka'b said, "Umar, do you want to persecute the Companions of the Apostle of Allah?" Umar replied that he only wanted confirmation of a Hadīth which had reached his ears.¹

There is a disputed point of law whether a woman who has been given three divorces at one session is entitled to lodging and boarding until her term is complete. The Holy Qur'an says: "Lodge them where you lodged before," which proves her right of residence, and the right of residence naturally includes the right of food as well. Faṭimah bint Qais, a Companion, was divorced by her husband. She went to the Holy Prophet to ask if she had the right of food and lodging. She says the Holy Prophet replied in the negative. When she reported on the matter before Umar, he said, "We cannot abandon the Book of Allah on the word of a woman, for we do not know whether she remembers the Hadīth correctly or has forgotten it."

When the question of abortion cropped up, Umar consulted the Companions. Mughira related a Hadīth on the subject. Umar said if he was right, he should produce a witness. When Muḥammad b. Maslamah bore witness, Umar agreed. Similarly, when a Hadīth was reported in the suit of Abbas, Umar demanded evidence. When several persons bore witness, Umar said, "I did not doubt your word. I only wanted to satisfy

1. *Ṣaḥīḥ Muslim*, Chapter *Istīdhān*.

myself about the truth of the Hadīth.”¹

As ‘Umar was sure that unintentional additions or subtractions in reports of Hadīth were possible, he insisted on very great care in the matter of reporting. People would find it difficult to believe what kind of restrictions he laid down in this behalf. I will not, therefore, write a word of my own here, but would give a faithful translation of what great scholars and critics of Hadīth have said on this subject. Dhahabī, than whom a greater scholar-critic of Hadīth never came after and who was the ultimate authority of Hāfiz b. Hajr, Sakhāwī and others, writes of ‘Umar in *Tadhkirat-u’l-Huffāz*:

“Lest they should make mistakes in reporting Hadīth direct from the Holy Prophet, ‘Umar forbade the Companions to report direct from the Holy Prophet, also lest the people should become so preoccupied with Hadīth that they should neglect memorizing the Holy Qur’an. Qarza b. Ka’b reports: ‘When ‘Umar sent us to Iraq, he came with us to see us off and asked us if we knew why he was accompanying us. We said, to honour us. He said yes, but added that there was something else besides. We were going, he said, to a place where people were humming like bees with the study of the Holy Qur’an. ‘Do not entangle them in Hadīth. Do not mix up

1. *Tadhkirat-u’l-Huffāz*, on ‘Umar.

Ḥadīth with the Qur'an, and I am with you. Report sparingly from the Holy Prophet.' When Qarḥa arrived in Iraq, people asked him to tell them Ḥadīth reports. He replied that 'Umar had forbidden them. Abū Salma says: 'We asked Abu Huraira if he reported Ḥadīth as plentifully in the time of 'Umar as he was doing then. Abu Huraira replied that if he had done so, 'Umar would have flogged him.' 'Umar put 'Abd-u'llah b. Mas'ūd, Abū Dardā' and Abū Mas'ūd al-Anṣārī in jail for reporting Ḥadīth so frequently directly from the Holy Prophet.'

Darimī copies Qarḥa b. Ka'b's report in his *Musnad* and adds, " 'Umar meant that stories about battles and expeditions should be reported sparingly. He did not mean to forbid reports about obligatory duties and the *Sunnah*." Shāh Walī-Ullah's comment on Darimī's remark is: "In my opinion, reports about the person and personal habits of the Holy Prophet are meant, for they have no connection with the law, or reference is to reports whose words have not been preserved with sufficient care or diligence."¹

In our opinion, these interpretations are superfluous, for what 'Umar meant is clear from his own words. Balādhurī, the historian, who is also a Ḥadīth expert, says in *Ansāb-u'l-Ashraf* that when people asked 'Umar some question about the sacred

1. *Izalat-u'l-Khifā'*, Part 2, p. 141.

law, he replied: "Had I not feared that I might make a mistake in reporting Hadīth, I would have quoted one."

The historian in question reports the above on the authority of an unbroken chain of reporters who are: Muḥammad b. Sa'd, 'Abd-u'l-Ḥamīd b. 'Abd-u'r-Raḥmān al-Ḥamānī, Nu'mān b. Thābit (*i.e.*; Abū Ḥanīfa), Mūsā b. Ṭalḥa and Abū al-Hautkiya. What 'Umar feared about himself, he would naturally fear about others also. This idea finds further support from what Hadīth specialists write of 'Abd-u'llah b. Mas'ūd, who, in matters of scholarship, had received special training from 'Umar. They say: "He was very strict in reporting and used frequently to impress upon his pupils that they must not be careless in safeguarding the words of Hadīth reports."¹ Specialists of Hadīth also write that he reported Hadīth very sparingly and would at times not utter the words: "The Apostle of Allah said"² for a whole year. Some other Companions of high rank were also very scrupulous in the matter of reporting Hadīth. Dhahabī says of Abū Bakr in *Tadhkirat-u'l-Ḥuffāz* that the first man who exercised great care in reporting Hadīth was Abū Bakr. He says on the authority of Hākim that Abū Bakr wrote down five hundred Hadīth reports, but later set them on fire and said that it was possible that the man, on whose authority he had taken down the reports believing

1. *Tadhkirat-u'l-Ḥuffāz*, art. 'Abd-u'llah b. Ma'sūd.

2. *Ibid.*, vol I, p. 14.

him to be trustworthy, might not after all be trustworthy. But there was a difference between the care of 'Umar and that of other Companions. The latter were content to know whether a reporter was reliable or not, but 'Umar, in addition to ensuring the reporter's reliability, also took care to see whether the reporter understood the signification of what he was reporting. It was on this basis that Lady 'A'isha often censured Abū Huraira, though she had no cause to doubt his veracity.

The checks and restraints imposed by 'Umar on the reporting of Ḥadīth and the high standard of accuracy required by him had no doubt the effect that Ḥadīth reports in his days were meagre and sparing, but whatever reports were published, they were free from every flaw. Ḥadīth reporting increased much in later times, but the level of accuracy and reliability did not remain the same. Shah Walī-Ullah is perfectly right when he says: "Though all the Companions are trustworthy, their reports are acceptable and compliance in practice with whatever is proved to have been reported by them is obligatory, yet the difference between what there was of Ḥadīth and *Fiqh* in the time of the Great Fārūq and what came later is as the difference between heaven and earth."¹

Though the extreme care and severity of restraint imposed by 'Umar on Ḥadīth reporting failed to become the general rule, it did not remain

1. *Izālat u'l-Klifa'*, Part 2, p. 141.

without effect on the Companions. It is well known about 'Abd-u'llah b. Mas'ūd and has been stated by Dārimī at several places in his *Musnad* that his colour changed when he reported Ḥadīth, and when he recalled the words of the Holy Prophet he used to say, "The Apostle of Allah said this word or perhaps something very like it or nearly so." The same was the case with Abū Darda' and Anas, both of whom were Companions of high rank. Imām Shu'bi relates that he was one whole year with 'Abd-u'llah b. 'Umar and heard only one Ḥadīth from him during all that time. Thābit b. Quṭbat-u'l-Anṣārī says that 'Abd-u'llah b. 'Umar related only one or two Ḥadīth reports in a month. Sa'ib b. Yazīd says that he accompanied Sa'd Waqqāṣ from Makkah to Madīnah, but the latter did not relate a single Ḥadīth during the whole journey. These reports are narrated by unbroken chains of reporters in Dārimī's *Musnad*.¹

The basic principles established by 'Umar with regard to the reporting of Ḥadīth and its authenticity may be stated briefly as follows:

1. A report should be literally faithful.
2. Mere truthfulness of a reporter is not sufficient guarantee of the authenticity of a report.
3. Ḥadīth narrated by a single reporter must be supported by evidence which Ḥadīth specialists term *Tābi'* and *Shāhid*.

1. Dārimī: *Musnad* (Maṭba' Nizāmī, Cawnpore), pp. 45-48.

4. Hadīth narrated by single chains of reporters is not always dependable.
5. In judging the veracity of a report, occasion and circumstances must also be considered.

Fiqh, the Creation of 'Umar

The science of *Fiqh* is in its entirety the creation of 'Umar. The whole body of the Companions admitted the superiority and acumen of 'Umar in this regard. Darīmī writes in his *Musnad* that Hudhaifa b. al-Yaman said that only he could pronounce on the law who was an Imām and knew the Holy Qur'ān with thoroughness. When asked who, in his opinion, was such a man, he named 'Umar b. al-Khattāb. According to 'Abd-u'llah b. Mas'ūd, if the knowledge of the whole of Arabia were put in one scale and that of 'Umar in the other, 'Umar's would outweigh them.¹ Abū Ishāq Shirazī, Principal of Nizāmiya University, has left a book on jurists, in which he quotes a number of similar sayings of the Companions and their successors about 'Umar, and writes at the end: "But for fear of being too long, I would have quoted the judgments of 'Umar and the principles of law derivable from them to such an extent that scholars would have been amazed."

What Abū Ishāq has left unsaid we would say at some length later, but it is necessary to

1. Qādī b. 'Abd-u'l-Barr: *Isti'āb; Izālat-u'l-Khifā'*, Part 2, p. 185.

point out at the outset that all the schools of law current among the Muslims today are traceable to the blessed person of ‘Umar. Makkah, Madīnah, Baṣrah, Kūfah and Syria are considered to be the centres of *Fiqh* in the whole Muslim world. They are considered so, as the greater scholars and promoters of the science hailed from these places. For instance, the Shaiḫ or teacher of *Fiqh* at Makkah was ‘Abd-u’llah b. ‘Abbās. The Shaiḫs of Madīnah were Zaid b. Thābit and ‘Abd-u’llah b. ‘Umar; of Kūfah ‘Alī, ‘Abd-u’llah b. Mas‘ūd, and Abū Mūsā Ash‘arī, and of Syria Abū Dardā’ and Mu‘ādh b. Jabal. With the exception of ‘Alī, almost all of them had benefited from the company of ‘Umar. ‘Abd-u’llah b. ‘Abbās, ‘Abd-u’llah b. ‘Umar and ‘Abd-u’llah b. Mas‘ūd especially were his creation. ‘Abd-u’llah b. Mas‘ūd used to say that he considered an hour in ‘Umar’s company more valuable than a whole year of devotions.¹ ‘Abd-u’llah b. ‘Abbās had been really brought up by ‘Umar under his own care, so much so that people were jealous of him. Ṣaḥīḥ of Bukhārī² has a report from ‘Abd-u’llah b. ‘Abbās himself that ‘Umar used to give him place among the heroes of Badr. At this some people objected and asked why their sons who were of his age were not given the honour. ‘Umar replied, “This is a young man of whose talents you are not

1. *Istī‘āb* of Qāḍī Ibn ‘Abd-u’l-Barr, and *Izālat-u’l-Khifā*’ of Shāh Wali-Ullah, Part I, p. 319.

2. *Ṣaḥīḥ Bukhārī* (Maṭaba‘ Aḥmadī, Meerut), p. 615.

aware."

The Hadīth expert 'Abd-u'l-Barr says in *Istī'āb*: "‘Umar loved ‘Abd-u’llah b. ‘Abbās and kept him near himself." It happened occasionally that when a question was propounded in the presence of ‘Umar, and ‘Abd-u’llah b. ‘Abbās wanted to answer but felt abashed owing to his youth, ‘Umar encouraged him and said, "Wisdom does not depend upon age." If the judgments of ‘Abd-u’llah b. ‘Abbās and those of ‘Umar were compared, one would find that the difference between the two is of the master and the pupil.

‘Abd-u’llah b. ‘Umar was ‘Umar’s own son, while Zaid b. Thābit worked as ‘Umar’s secretary for years. Imām Shu‘bī says that ‘Umar, ‘Abd-u’llah b. Mas‘ūd and Zaid b. Thābit used to discuss points of law with one another, and for this reason their judgments were often alike.¹

Six Pillars of Fiqh

There is a common saying among the experts of Hadīth that there were six persons among the Companions of the Holy Prophet who were the pillars of the science of *Fiqh*, namely ‘Umar, ‘Alī, ‘Abd-u’llah b. Mas‘ūd, Ubayy b. Ka‘b, Zaid b. Thābit and Abū Mūsā Ash‘arī. Imām Muḥammad says in *Kitāb-u’l-Āthār*: "There were six persons among the Companions of the Apostle (on whom be peace and blessings of Allah) who discussed the

1. *Fath-u’l-Mughīth*, p. 381.

problems of *Fiqh*, 'Alī, Ubayy, and Abū Mūsā Ash'arī in one group, and 'Umar, Zaid b. Thābit and 'Abd-u'llah b. Mas'ūd in another." Ṣafwan b. Ṣalīm says: "Only four persons, namely 'Umar, 'Alī, Mu'adh, and Mūsā propounded the the law."¹ Imam Shu'bī says: "The science could be learnt only of six persons."²

Though this limitation seems rather forced, for it does not seem to appeal to reason that among thousands of Companions there were only four or six persons who could pronounce on the law, yet this seems to have been the fact. There are questions of law on which an authentic, clear and explicit Ḥadīth is available, and there is none of contradictory import. It is enough to know the Ḥadīth to be able to pronounce judgments on such questions. But there are other questions on which Ḥadīth contains no explicit injunction, but one has to be derived by logical reasoning or rules of interpretation; or a clear ruling is there, but there are other Ḥadīth reports opposed to it, in which case inference and reasoning become necessary. It is this part of the science that really bears the name of *Fiqh*. There are many among the Companions who gave judgments in cases of the first kind mentioned above and were called *Muftīs*. They are said to have been twenty in number. But to pronounce on cases of the second kind was the

1. Dhahabī; *Tadhkirat-u'l-Ḥuffāz*, art. Abū Mūsā Ash'arī.
 2. *Fath-u'l-Mughīth*, p. 381.

privilege of those who were founders and leaders of the science, and they were the same six. Shāh Walī-Ullah says of four, namely 'Umar, 'Alī, Ibn Mas'ūd and Ibn 'Abbas: "With the exception of these four, others pronounced only in cases where explicit rulings of Hadīth were available. But they were not able to pronounce on the obligations and conditions of proprieties and the *Sunna*. In cases where Hadīth reports were conflicting and rulings were at variance, excepting rare cases, they did not interfere. Among these were persons like Ibn 'Umar, 'A'isha and Zaid b. Thābit."¹

In any case, there were no more than six persons, among the Companions, who were capable of giving independent judgments on the law. A word may now be said about them. Most of the associates of 'Alī no high status in Hadīth and reporting. The introduction to the *Ṣaḥīḥ* of Muslim has it that with the exception of the associates of 'Abd-u'llah b. Mas'ūd, those who reported from 'Alī were not taken as trustworthy. Mu'ādh b. Jabal was sent by 'Umar to Syria for public instruction and died there in 18 A.H., so that, as Shāh Walī-Ullah says, "Not much of the Hadīth reported by him survived."² 'Abd-u'llah b. Mas'ūd and Abū Mūsā Aṣḥ'arī were among the special pupils of 'Umar. He often taught points of law and Hadīth to Abū Mūsā Aṣḥ'arī in writing. Zaid b. Thābit, too, in reality, followed 'Umar.

1. *Hujjatullāh al-Bāligha*, p. 137.

2. *Īzālat-u'l-Khifā'*, Part 2, p. 81.

Shāh Walī-Ullah says: "Zaid b. Thābit, too, in most matters, follows 'Umar."¹ It is obvious from these instances that those from among the Companions whose *Fiqh* attained currency were all of them pupils of 'Umar. The thought and study 'Umar devoted to the problems of *Fiqh* were not given by any other Companion. He had made *Fiqh* his principal study from the very beginning of Islam. Whenever he had any doubt on any point of law mentioned in the Holy Qur'an, he questioned the Holy Prophet himself and would not stop questioning until he found satisfaction. Other Companions did not have this advantage, for nobody had the courage to question the Holy Prophet so boldly. The question of the inheritance of one who leaves neither children nor parents is a knotty and disputed problem. 'Umar questioned the Holy Prophet so often and so persistently about it that the Holy Prophet got tired and said that the last verse of Sura *Nisā'* should suffice for him.²

Memorandum of Difficult Problems

The more difficult questions 'Umar used to write down, ponder over them at leisure and note down the opinions he formed on them from time to time, keeping or erasing them on further consideration. The memorandum he had made on the inheritance of father's sister, and later erased, has been men-

1. *Izālat-u'l-Khifā'*, Part 2, p. 83.
2. Imām Ahmad Hanbal: *Musnad*.

tioned by Imām Muḥammad in his *Muwatta*.¹ Qisillānī writes in his commentary on *Bukhārī* on reliable authority that 'Umar formed no less than one hundred opinions on the inheritance of the paternal grandfather. There are questions on which he remained in doubt throughout and could not form any decisive opinion to the day of his death. Dārimī says in his *Musnad* that he had made a note on the inheritance of the paternal grandfather, but had it erased just before death and said that the nation should decide the question for itself. According to another report in the same book, when 'Umar was wounded, he sent for the Companions and said that he had arrived at a decision on the paternal grandfather's inheritance which they could accept if they cared ; but 'Uthmān replied it would be quite safe if they accepted his opinion or that of Abū Bakr, for he too had been a man of sound judgment. 'Umar often said, "Would that the Holy Prophet had left a writing on three things, viz., inheritance of paternal grandfather, of one who left no offspring or parents and on some varieties of interest." His preoccupation with questions of law may be judged from the following instance. In the law of inheritance the Holy Qur'an speaks of the *Kalalah*, i.e., one who leaves neither parents nor offspring, but does not give sufficient details with regard to his inheritance. There was a difference of opinion among the Companions as to the heirs of such a per-

son. 'Umar asked the Holy Prophet once or twice, but was not satisfied. He then wrote a note for his daughter Lady Hafsa and asked her to inquire of the Holy Prophet. Later during his Caliphate he assembled the Companions and discussed the matter with them, but was not satisfied and used to say, if the Holy Prophet had explained three things more fully, *viz.*, the Caliphate, interest and the law relating to the *Kalalah*, it would have been dearer to him than the world and all there is in it. The Hadīth specialist 'Imād-u'd-Dīn b. Kathīr cites these anecdotes in his commentary on the Holy Qur'an on the basis of reliable traditions.

Expansion of Conquests cause Complex Problems

As conquests expanded rapidly and culture grew by leaps and bounds, new and ever more complex questions cropped up in great abundance. Though *Qāḍīs* and *Mustis* were appointed in every town, the majority of whom were Companions, there were yet questions which they could not tackle. They had, therefore, to refer them to the Caliph himself. 'Umar was thus called upon to ponder over and decide a large number of complicated questions, on which clear rulings of the Holy Prophet or the Holy Qur'an were not available. His judgments, which are quoted extensively in all books of *Fiqh* and history, were usually on questions which came for decision from different countries. Ibn Abī

Shaiba cites these judgments and gives also the names of those who had referred the questions to him, namely 'Abd-u'llah b. Mas'ūd, 'Ammār b. Yāsar, Abū Mūsā Ash'arī, Abū 'Ubaidah Jarrah, Mughīra b. Shu'ba, etc., etc.

Consultation with Companions

Though he himself was a great jurist and his opinion alone sufficed to establish the dicta of law, for the sake of safety, 'Umar brought up most of the questions in the assembly of the Companions, where matters were discussed with the greatest freedom and acumen. Balādhurī says in *Kitāb-u'l-Ashrāf* that 'Umar never adjudicated upon any question which had not been decided already, without consulting the Companions. Shāh Walī-Ullah writes in *Hujjatullāh al-Bāligha*: "It was 'Umar's practice to consult the Companions and hold discussions with them, until veils were lifted and conviction was attained. For this reason 'Umar's dicta were accepted throughout the East and the West."

Matters decided in Consultation with Companions

The questions decided upon by 'Umar in consultation with the Companions were not small in number, and full details of them are to be found in books of Hadīth and history. For instance, Baihaqī reports that there was a difference of opinion among the Companions with regard to a special case of the bath of *janābat* or sexual purification (particulars of which are given by Baihaqī). 'Umar

commanded that the Muhājirīn and the Anṣār should assemble, and the question was put in the assembly. All the Companions, except ‘Alī and Mu‘ādh who differed, agreed on one opinion. ‘Umar said, “If you gentlemen who fought the Battle of Badr differ so, what would happen to the coming generations?” The matter was referred to the noble wives of the Holy Prophet, and their opinion was made law by ‘Umar. Similarly, there was a difference of opinion among the Companions with regard to the number of *Takbīrs* or repetition of the magnificatory formula in the funeral prayers. ‘Umar invited the Companions to a general assembly, at which it was decided to make an inquiry as to what the Holy Prophet had done in this respect the last time. It was found that in the last funeral prayers he said, the Holy Prophet had said *Takbīr* four times, and the question was decided upon by consultation and discussion, but it is not the place to go into details

The Number of Juristic Decisions by ‘Umar

‘Umar’s juristic pronouncements reported on reliable authority reach many thousands. About one thousand of them relate to matters of fundamental importance in *Fiqh*, and in all of them the founders of the four schools of law have followed him. Shāh Walī-Ullah says: “All these authorities on law follow the authority of the Great Farūq in the principal questions of *Fiqh*, which number nearly

one thousand.”¹ They are cited in the *Muṣannaf* of Ibn Abī Shai^{ba}, and Shāh Walī-Ullah has utilized them in a treatise on Fārūq’s *Fiqh* which he has appended to *Izālat-u’l-Khifā’*.

The Science of Fiqh

So far we have spoken of the compilation of the law. But ‘Umar’s achievement in the science of *Fiqh* was greater. He not only compiled the details of the law, but also established principles of inference and construction and formulated rules therefor, which together are called *Uṣul-i-Fiqh*, or the Science of the Law, today.

The first question to decide in this context was whether the words and deeds reported of the Holy Prophet could all of them be treated as a source of the law, or whether any distinction was to be made in them. Shāh Walī-Ullah has written a very useful thesis on the subject in his *Hujjatullāh al-Bāligha*,² the purport of which is as follow: “The words and deeds reported of the Holy Prophet are of two kinds: firstly, those that relate to his mission as the Apostle of Allah, and about which God Almighty says, ‘Take that which he gives you and avoid what he forbids’; secondly, those which have no relation to his position as prophet, and about which the Holy Prophet himself says: ‘I am only a man, so when I order anything about religion, take it, and when I say anything of my own, then I am only a

1. *Izālat-u’l-Khifā’*, Part 2, p. 84.

2. P. 133.

man.’” Shāh Wali-Ullah then goes on to say that what the Holy Prophet had said on medicine, or the actions that accrued from him reflexively or accidentally, or as a mere matter of habit, and were not done purposely, what he said in mere conformity with the prevalent notions of the Arabs, for instance, the stories of Umm Zara‘ or Khurāfa, and what he did in pursuance of some temporary policy, such as the ordering of military expeditions and commands pertaining thereto—all these belong to the second category.

The distinction made by Shāh Wali-Ullah between the two classes of Hādīth reports, which no sensible person can dispute, is a discovery in reality of ‘Umar the Great. In books of biography and history we read of occasions when the Holy Prophet proposed to do something or said something and ‘Umar expressed a contrary opinion. Bukhārī reports in his Ṣaḥīḥ that when the Holy Prophet expressed his intention to say funeral prayers for ‘Abd-u’llah b. Ubayy, ‘Umar objected and said, “Would you say funeral prayers for a hypocrite?”

‘Umar’s opinion also differed entirely from that of the Holy Prophet as to the treatment of the prisoners taken at Badr. On the occasion of the Truce of Hudaibiya he remonstrated and said why such an unequal treaty should be concluded. It is obvious from these instances that ‘Umar considered these matters to be distinct from the Holy Prophet’s position as prophet. Had he considered these matters,

on the contrary, to pertain to the prophetic office and yet interfered with them, we should look upon him as being outside the pale of Islam, let alone considering him a great hero of Islam. Following the same distinction of the categories of Ḥadīth, he followed his own opinion in matters which did not concern religion. For instance, up to the reign of Abū Bakr, slave-girls who were mothers were bought and sold freely. 'Umar stopped the practice entirely. The Holy Prophet fixed the rate of *Jiziyah* at one dinar per head during his expedition to Tabūk, while 'Umar levied different rates in different countries. There was no punishment prescribed for drunkenness in the time of the Holy Prophet. 'Umar prescribed eighty stripes.

It is obvious that if the words and deeds of the Holy Prophet had the force of law in these matters, 'Umar could not have made any alteration in them, and even if he had desired to, the Companions would not have tolerated his occupation of the throne of the Caliphate for a moment.

'Umar was encouraged to make the distinction by the fact that when he offered opinions contrary to those of the Holy Prophet on different occasions, the Holy Prophet did not disapprove of his interference. Instead, on several occasions, he gave preference to 'Umar's opinion, and at times his opinion received support from divine revelation itself. Revelations that came about the treatment of the prisoners of Badr, about the seclusion of the holy

wives of the Prophet and about the funeral prayer for a hypocrite, were in accordance with the opinions of ‘Umar.

This differentiation and classification of Hadith had a far-reaching effect on *Fiqh*. In matters in which the Holy Prophet's words did not possess the authority of the prophetic office, room remained for devising new laws to suit the conditions and circumstances of the age. Accordingly, ‘Umar devised many new laws to meet the conditions of his own age, which are found in abundance in the Hanafi Law, though Imam Shāfa‘ī insists, to the contrary, that the Holy Prophet's words even concerning the alignment of forces in battles, assessment of customs and land revenues, etc., have the force of law, and says about the doings of ‘Umar that the words and deeds of nobody have any value as against the Holy Prophet's.

Discussion on the Juristic Value of Traditions reported by not more than One Person

The question next in importance was of the juristic value of the Hadith not reported by more than one person. In the opinion of many eminent authorities, such reports can affect the explicit injunction of the Holy Qur'an, i.e., a general injunction of the Qur'an can be particularized or even abrogated by such a report. This is the opinion also of Imam Shāfa‘ī. In the view of ‘Umar, such reports could not be considered

authoritative in every case. Accordingly, in questions concerning permission for visit, abortion, purchase of the house of 'Abbās b. 'Abd-u'l-Muṭṭalib and the symbolical bath (*tayammam*) for sexual cleanliness, he did not accept the authority of the reports of Ammār b. Yāsar, Abū Mūsā Aṣḥ'arī, Muḡhira b. Shu'ba and Ubayy b. Ka'b, until confirmatory evidence was forthcoming. These facts are mentioned in detail in *Tadhkirat-u'l-Huffāz*. For the same reason, 'Umar did not permit particularization or abrogation of a Qur'anic injunction by Hadith traditions of single reporters. When Faṭimah bint Qais reported an alleged saying of the Holy Prophet on her own authority about a divorced wife's right of food and residence, 'Umar said that a woman's report could not change the law of the Holy Qur'an, because in his opinion the report was in conflict with the Holy Qur'an.

Imām Shāfa'ī and others of his school of thought argue that 'Umar himself on many occasions accepted the traditions of single reporters. But the Imām did not realize that acceptances in question do not affect 'Umar's principle. 'Umar's principle is not that no tradition of single reporters has any legal value, but that every such tradition does not possess legal value, and the difference between the two propositions is obvious. In many cases, evidence of single individuals is considered sufficient. Everybody follows this principle in his daily life. But some cases are so important

and vital that the evidence of one or two persons cannot be considered sufficient; for the possibility remains that they might not have understood the import of the words or the event in question. In short, the whole thing depends on the nature of the case and the character of the reporter, and it is not possible to lay down a general law for all cases. No doubt, 'Umar based his judgments in several cases on reports of single individuals. But on many occasions he also acted differently, which shows that in the matter of such reports he always kept the special circumstances of each case before him. There is a severe difference of opinion among jurists and Hadīth specialists about the reports of single individuals, and many and long debates have been held on them. But so far as we have examined these discussions, the insight and acumen displayed by 'Umar is not to be found anywhere else. But a word is here called for. In the acceptance or rejection of reports of single individuals, 'Umar followed but one principle, namely the search for truth. His purpose was not like that of the libertines of today, who, following their own whims or pleasure, accept or reject whichever Hadīth they like.

Qiyās or Logical Deduction

The development of law and making it to meet all cases depends upon *qiyās* or reasoning by analogy or logical deduction. It is apparent that

the Holy Qur'an and Hadith do not mention all the details of law. It is, therefore, necessary that details should be arrived at by logical deduction. For this reason, the founders of the four schools of law, namely Imam Abū Hanīfa, Imam Mālik, Imam Shāfa'ī and Imam Aḥmad Hanbal, accepted the principle of deduction, and a large body of their legal compilations are derived from the same. But the man who was the first to lay the foundations of this principle of legal construction was 'Umar the Great.

A common notion prevails that the originator of the principle of deduction or reasoning by analogy was Mu'adh b. Jabal. They argue from the report that when Mu'adh was sent to Yaman by the Holy Prophet, he asked him how he would decide the cases that came to him for adjudication. He replied that he would decide them according to the Holy Qur'an, and if he did not find the particular form of the case either in the Holy Qur'an or Hadith, he would exercise his own judgment (*ijtihād*).¹ But it cannot be argued from this report that he meant *qiyās* or reasoning by analogy. *Ijtihād* or exercise of judgment does not depend upon *qiyās*, or reasoning by analogy. Ibn Hazm and Daūd Zāhiri did not believe in *qiyās*, though they exercised *ijtihād* in questions of law and were competent to do so. Darimi reports in his *Musnad* on an unbroken chain of traditions that

1. Darimi : *Musnad* (Maṭba' Nizāmi, Cawnpore), p. 43.

when Abū Bakr had to solve an issue of the law, he first referred to the Holy Qur'an, and not finding a similar case therein he turned to Hadīth. When Hadīth also failed, he discussed the matter with the Companions, and the case was decided by consensus of opinion. It is obvious from this report that up to the time of Abū Bakr, issues of law were decided by the Holy Qur'an, Hadīth and by *ijmā'* or consensus of opinion, but that *qiyās* or the method of reasoning by analogy was not known yet.

The instructions sent by 'Umar to Abū Mūsā Ash'arī in respect of judicial procedure contain a clear direction about *qiyās*. The words in the writ were as follows: "When you do not find a judgment on an issue in the Qur'an or Hadīth and you are in doubt about it, ponder over the question and ponder again. Then look for dicta on like and similar issues, and decide accordingly."¹

Books on the principles of *Fiqh* define *qiyās* as follows: "Generalize a particular ruling to other cases on account of features that may be common to both." For instance, the Holy Prophet said about wheat, barley, etc., that payments should be in equal quantities; if more was charged in return, it would mean interest. From this ruling, *qiyās* or reasoning by analogy would be as follows: The Holy Prophet mentioned only particular things, but the ruling would apply to all things which have weight and variety. For instance,

1. See *Isālat-u'l-Khifā'*, p. 86.

a person lends one seer of lime to another. If he receives in return one and a quarter seer of lime of the same quality or one seer of superior quality, he would be charging interest.

In the opinion of those who specialize in the principles of *Fiqh*, there are two prerequisites of *qiyās*: (1) The method should be applied only to those cases in which a clear ruling of the Holy Qur'an or Hadīth is not available. (2) There must be a common element between the issue in hand and the one from which a ruling is to be deduced. The writ of 'Umar quoted above contains both the conditions. The first is contained in the words: "When you do not find anything in the Qur'an and the *Sunna*," and the second is implied in the words: "Then look for dicta on like and similar cases, and decide accordingly."

In addition to these fundamental principles, 'Umar enunciated a number of rules about inference and generalization of laws, which are now part and parcel of the science of *Fiqh*. Before we come to their details, it is necessary to understand one point.

Principles of Drawing Inference

It is well known that Imām Abū Ḥanīfa, Imām Mālik and others differ in their legal rulings. The difference at places is due to the fact that on some questions one found a Hadīth and on the other did not. But their differences are usually due to their

following different principles of deduction and inference. These divergent principles are given at length in books on the principles of *Fiqh*. But it must not be understood thereby that the Imāms had made any express statements of their respective principles. Imām Shāfa'ī, no doubt, did compile a thesis, in which he stated his principles of deduction. But Imām Abū Ḥanīfa and Imām Mālik have not stated one single principle expressly. But from the way they derived inferences and from what they say about their rulings on different cases, it seems clear that they did follow certain principles. For instance, from the Qur'ānic verse, "When the Qur'an is recited, listen to it and keep silent," one Imām derived the ruling that when the Imām recites *Sūra Fatihā* in prayers, those standing behind should not do the same. Someone objected that the verse was revealed about the Friday sermon only. The Imām replied, "The verse may have been revealed in any context, but the injunction it contains is in general." It shows that he followed the principle that the particularity of cause does not affect the generality of the injunction. The principles of inference ascribed to Imam Abū Ḥanīfa and others in books on the principles of *Fiqh* have been derived from similar rulings of the Imāms. They themselves have made no express statements of their principles.

Our claim that 'Umar established rules of inference and deduction is based on the same

circumstance. The majority of rulings he gave were arrived at after discussion and consultation with the Companions. A study of the speeches he delivered on those occasions yield many principles. In many cases, Hadith reports on available rulings were conflicting, and 'Umar had to decide which ones to accept and which to reject, which should be considered particular and which general, which individual and which fundamental. Principles of abrogation, generalization and reconciliation were thereby defined. Ordinarily, when 'Umar gave a ruling, it contained reference to some principle. For example, a man asked him to punish his slave with amputation of hands, because the slave had stolen his wife's mirror which had cost sixty dirhams. 'Umar replied the slaves was his, the thing stolen was also his; there was, therefore, no occasion for amputation of hands.' The ruling yields the principle that for theft it is necessary that the thief should have no manner of right to the thing he steals. Another person stole something from the public treasury. 'Umar let him off, because he said everybody has some proprietary right in it. On one occasion, in the course of a journey 'Umar alighted by a pond. 'Amr b. al-'Āṣ who was in the company asked people if wild animals drank from the pond. 'Umar asked the people not to tell.² This implies two principles,

1. Imām Mālik : *Muwatta'*.

2. Imām Muḥammad : *Muwatta'*, p. 66.

firstly, that things are what you find them to be; secondly, if a thing is evidently all right, one is under no obligation to look too deeply into it. On one occasion, in the month of Ramaḍān, owing to clouds, the people thought the sun had set. ‘Umar broke his fast. A little while later the sun came out, and the people were worried. But ‘Umar said, “It is not a serious matter. We had done our best.”¹ There are many such instances from which many principles of *Fiqh* can be derived.

The Number of ‘Umar’s Rulings on Fiqh

Most of ‘Umar’s rulings on *Fiqh* were accepted by the Companions and have been followed by the founders of the schools of law. Shāh Walī-Ullah finds from his own research that such rulings are about one thousand in number. But there were also many rulings in which the Companions did not agree with ‘Umar. In some of these rulings in which the Companions differed from ‘Umar, they were right. On questions such as, for example, symbolic purification after sexual intercourse or nocturnal incontinence, the Companions’ opinion seems to be more correct than that of ‘Umar. But in the majority of such cases, especially those of vital importance and pertaining to cultural and political matters, ‘Umar’s opinion is generally the product of profound insight and great acumen, and it is these matters which give proof of his judicial

1. Imām Muḥammad: *Muwatta’a*, p. 184.

acumen and skill. We will mention a few of such cases here.

Khums

One of the most important questions of Islamic law is that of *Khums* or one-fifth of the spoils of war. The Holy Qur'an says: "Whatever spoils of war you capture, one-fifth of them belongs to Allah and the Apostle and to the near of kin, and the orphans and the poor and the wayfarers." The verse shows that the Holy Prophet's relatives too have a share in *Khums*. 'Abd-u'llah b. 'Abbās, who was known as the "ocean of learning" among the Companions, agreed vehemently for the share of the Prophet's relatives in the Fifth.¹ 'Alī, though he did not give the Hāshimites a share in the Fifth, believed nevertheless that they had the right. 'Alī and 'Abd-u'llah b. 'Abbās were not the only ones to hold this opinion. All of the Prophet's family were agreed on it. Among the founders of the four schools of law, Imām Shafa'ī was the one who believed in it and has argued very vehemently about it in his writings.

It is said of 'Umar that he did not at all hold the relatives of the Holy Prophet to be entitled to any share in the Fifth and never gave any member of the Prophet's family any share in it. Of the founders of the schools of law, Imām Abū Ḥanīfa, too, did not believe that the near of kin had any

1. *Kitāb-u'l-Kharāj*, p. 11, report by Muḥammad b. Ishāq.

right to the Fifth. According to him, as the Holy Prophet lost his own share after his death, his relatives had also lost theirs. We have now to inquire which ruling the Holy Qur'an yields on the question and what was the practice of the Holy Prophet himself.

The words of the Holy Qur'an only indicate that the Fifth may on the whole be spent on five groups. They do not show that it is obligatory to divide the Fifth severally among all the five groups. The Holy Qur'an uses similar words when it lays down the items of expenditure of *Zakāt* and says: "The *Zakāt* is for the poor and the needy and for the administrators of it, and for those whose hearts have to be won and prisoners of war and debtors and those who fight in the way of Allah and the wayfarer." Here are eight groups. To whichever of them it is given, the purpose of *Zakāt* is fulfilled. It is not necessary perforce to create eight groups for its disbursement. Even when the eight groups are there, we shall have to consider which of them stands in greater need of assistance, which has lesser need and which has none. Accordingly, some will be given more, some less and some none at all. It is only a peculiar invention of Imām Shāfa'ī that the whole amount should be divided into eight equal parts, and that each part should be divided among each group equally, whether any stand in need of it or not. Similarly, the Qur'anic injunction with regard to the disbursement of the

Fifth seems to mean that it should not be given to any except the five groups mentioned. It does not mean that five groups must necessarily be created and each group must have an equal share. We have now to inquire into the practice of the Holy Prophet. A study of Ḥadīth yields the following facts :

1. From among the near of kin, the Holy Prophet used to give shares only to the Hashimites and the Muṭṭalibites. To Banī Naufal and Banī 'Abd Shams, though they were included in the 'near of kin,' he never gave anything, though they demanded it. Ibn Qayyim mentions these facts in detail in his book *Zād-u'l-Ma'ād*¹ on the authority of books of Ḥadīth.

2. The shares given to the Hashimites and the Muṭṭalibites were not equal. Ibn al-Qayyim writes in *Zād-u'l-Ma'ād*:² "But he did not give equal shares to the rich and the poor, nor were they given their shares according to the rules of inheritance. He gave them shares instead according to their needs and requirements. The single ones were married; the debtors had their debts cleared, and the poor were given according to their needs." These data prove, firstly, that the words 'near of kin' cannot be generalized. Otherwise, Banī Naufal and 'Abd Shams, too, ought to have had shares, for they were related to the Holy Prophet. Secondly, the indi-

1. Vol. II, p. 161.

2. Ibid., p. 162.

vidual sharers among the Hāshimites and the Muṭṭalibites did not get equal shares.

So far as we can see from reliable reports, ‘Umar maintained the right of the Hāshimites and the Muṭṭalibites. But he differed with them in two particulars. Firstly, he did not agree with them that one-fifth of the whole Fifth belonged to the near of kin. Secondly, he believed that it was the privilege of the Caliph to increase or decrease the shares of the individual sharers according to the needs and the circumstances of each case. ‘Abd-u’llah b. ‘Abbas contended, on the contrary, that one-fifth of the Fifth wholly belonged to the ‘near of kin,’ in which nobody had a right to make any deductions or otherwise interfere in its disbursement. Qaḍī Abū Yūsuf quotes ‘Abd-u’llah b. ‘Abbas in *Kitāb-u’l-Kharāj* and Nisā’i in his *Ṣaḥīḥ*, saying: “‘Umar b. al-Khattāb offered us out of the Fifth marriage expenses of widows and payments of debts of those indebted, but we refused and contended that the whole one-fifth of the Fifth should be handed over to us, which ‘Umar refused.”

Other reports are also to the same effect. Kalabī is the only one who reports that Abū Bakr and ‘Umar entirely disallowed the right of the near of kin. But he is a very weak reporter and cannot be relied upon.

Putting together the sense of the Holy Qur’an and the Holy Prophet’s usage, we are led to the

conclusion that what 'Umar did in this behalf was perfectly in accordance with the Qur'an and Ḥadīth. Imām Shafa'ī has no proof for the assertion that the Holy Prophet always gave away one-fifth of the *Khums*. Nor is the distribution indicated in the Qur'an. As regards the undefined right of the near of kin, 'Umar never denied it.

Let us now look at the matter from a rational point of view and inquire on what principle did the Holy Prophet and his near of kin share in *Khums* or the Fifth. It is obvious that owing to his pre-occupation with the advancement of his prophetic mission and with the affairs of the State, the Holy Prophet had no time to engage in any work to earn his living. It was, therefore, necessary that a share should be allotted to him from the revenues of the State. There were only three sources of revenue at the time: spoils of war, tax on land surrendered by a non-Muslim community and any other thing that they might surrender of their own accord. In all of them, God Almighty fixed His own share, as is stated in different verses of the Holy Qur'an. It is like reserving a portion of the revenues for the personal expenses of the king. The near of kin were also given a share because they had stood by the Holy Prophet in the early days of Islam. When the unbelievers of Makkah began to persecute the Holy Prophet very severely, all the Hashimites, including those who had not yet embraced Islam, stood by him and went with him

when he had to leave Makkah and take refuge in a narrow valley in the hills.

It must, therefore, be concluded that whatever share was allotted to the Holy Prophet and his near of kin was given owing to the needs of the day and on the basis of equity. The contention that one-fifth of *Khums* should be assigned to the Holy Prophet's near of kin for ever and ever till Doomsday, however their race should increase and however wealthy they might become, is something wholly at variance with the dictates of civilization. Who can believe that the founder of a true religion would ordain that certain fixed sums should be paid to his descendants for ever and ever? If any such does, what would be the difference between him and the self-seeking Brahmans? Even 'Alī and 'Abd-u'llah b. 'Abbās, who claimed a share in the *Khums*, could never have meant that the right should continue till Doomsday. Their claim must have been confined to the survivors from among the contemporaries of the Holy Prophet.

Fay

Another difficult question is that of *fay* or lands conquered by Muslims. The question is so complicated that no final decision has yet been arrived at on it. The dispute about the garden of Fidak is an off-shoot of the same question. The question has been rendered more complicated by the fact that people failed to distinguish between the terms *nafl*, *ghanimah* and *salb*, which have nearly

the same signification as *fay*. We shall deal with the subject at length.

The usage in Arabia before Islam was that whatever spoils were won in a battle, they were distributed equally among the combatants, except that the chief of the tribe received more, namely, one-fourth of the whole. The same rule with a little modification continued under the Holy Prophet, like some other old customs which were retained in the early days of Islam, and whatever spoils fell into their hands were distributed among the combatants. As the usage was very old and continued in the lifetime of the Holy Prophet, people began to think that combatants had an inherent right to the spoils which they could claim at all times. There was actually a dispute over the matter. When victory had been won at Badr, some people went far in pursuit of the enemy, while others remained with the Holy Prophet. When the pursuers returned, they claimed the whole spoils for themselves on the ground that they had been fighting the enemy, while the others claimed that they had a superior right as they had been guarding the person of the Holy Prophet. Thereupon came the following verse:¹ "People ask thee about the spoils. Say, they belong to Allah and the Apostle."

This verse abrogated the principle that spoils were the exclusive right of the combatants and the officer had no right of disposal over them. But

1. Ibn al-Qayyim : *Zād-u'l-Ma'ād*, Vol. II, p. 158.

the verse did not say how the spoils were to be disbursed, so another verse came: "Know that whatever spoils you take, one-fifth (*Khums*) of it belongs to Allah and the Apostle and to the near of kin and the orphans and the needy and the wayfarer." Under this verse the rule became that the spoils should be divided into five parts, four of which should be distributed among the combatants and the fifth among the Holy Prophet, his near of kin, the needy, etc. But this law related to cash and goods only; there was yet no law concerning lands or other immovable property. After the battle of Banī Nadīr, which took place in 5 A.H., the following verse of Sūra *Hashr* was revealed: "Whatever lands fall to you from the people of the town, they belong to Allah and the Apostle and orphans and the needy and the wayfarer and the poor among the Muhājirīn who were driven from their homes and for all those who come after." This verse shows that conquered lands could not be divided among the combatants, but that they must be kept as a permanent trust from whose income the present Muslims and their coming generations should benefit. This is the difference between *nafl* or spoils and *fay* or conquered lands.

Some people erred in interpreting the law of spoils. They thought that spoils (of cash and goods) and *fay* or conquered lands were the same thing to be treated alike. Of the founders of the four schools, Imam Shāfa'ī was of this opinion. Accord-

ing to him, conquered lands ought to have been divided up among the soldiers forthwith. When Syria and Iraq were conquered, the army requested 'Umar on the same ground that conquered lands should be distributed among them, and 'Abd-u'l-Raḥmān b. 'Auf, Zubair b. al-'Awām and Bilāl b. Rabāḥ insisted on it vehemently. But 'Umar did not agree. As has been narrated at length in a previous chapter, a huge assembly was held, at which the question was debated for several days. 'Umar at length quoted the above verse, and, referring to the words "and those that will come after," he said: "Therefore all this belongs to the coming generations and all these countries are the property of the nation. How can I then distribute them among those who are present and deprive those who will come after?"¹

Imām Shāfa'ī and others of his way of thought argue that the Holy Prophet distributed the lands of Khaibar among the combatants. But they do not stop to think that other lands were also conquered after Khaibar, so much so that the whole of Arabia had come into his possession before the Holy Prophet died, but he never gave away an inch of land to anybody.

The Garden of Fidak

In this connection may also be mentioned the question of the garden of *Fidak* which remained

1. *Kitāb-u'l Kharāj*, p. 15.

the subject of dispute for long. One group holds that it was the personal property of the Holy Prophet, as it was not conquered by the force of arms; instead the inhabitants of the place had themselves surrendered it to the Holy Prophet, and therefore it came under the following verse: "What Allah made the people give to His Apostle to conquer which you rode no camels or horses, but Allah empowers His Apostles over whom He pleases, and Allah has power over all things." If the thing so obtained became the personal property of the Holy Prophet, it would be subject to the law of inheritance stated in the Holy Qur'an, and the Holy Prophet's heirs would inherit it. But, despite the persistent demand of 'Alī, 'Umar refused to let the Prophet's natural heirs inherit it.

The controversy has prolonged owing to the personal inclinations of those engaged in it. Otherwise, the question is simple, and now that the principles of political philosophy have become clear and understood by all and sundry, it should no longer be made the subject of debates. The property in the possession of a Prophet or Imam or king is of two kinds: (1) Personal property in the acquisition of which the possessor's prophethood or Imamat or kingship plays no part. For example, the Prophet David earned his living by the manufacture of armour, and Emperor 'Alamgīr earned his living by making copies of the Holy Qur'an. What they earned by these means was their very own, over which the

State had no right of disposal. (2) Property which was in reality the property of the State, such as the countries over which David ruled and which later came into the possession of Solomon.

In this second variety of possessions there is no inheritance. Instead, the man who succeeded as prophet, Imām or king, becomes their owner or trustee. According to modern notions, the question is quite obvious. For instance, after Sulṭān 'Abdu'l-Hamīd Khān, the countries over which he rules and the estates reserved for his personal expenditure will not be divided up among his sons, brothers, mother, sisters, etc. Instead, the man who will succeed him on the throne will have possession of them. Even from the religious point of view, this rule has prevailed among all Muslim sects. Even those who believe that the twelve Imams ought to have succeeded to the possession of the garden of Fidak one after the other do not consider it to be subject to the law of inheritance. For instance, 'Alī came into possession of this garden when he became Caliph. Had the law of inheritance applied to it, it should have been divided up among Ḥasan, Ḥusain, 'Abbas, Muḥammad b. Ḥanafīa, Zainab and others, who were 'Alī's heirs. But it was not so divided. Ḥasan alone came into possession of it, for as Imām he was the only successor of 'Alī among all his heirs.

In short, it is a universal and thoroughly well-established principle that a property which is acquired by a person by virtue of his office of prophet,

Imām or king is not his personal property. We have now to inquire how the garden came into the possession of the Holy Prophet. The facts are that when the Holy Prophet had conquered Khaibar, he sent Maḥīṣa b. Mas'ūd Anṣārī to Fidak to invite the inhabitants to Islam. The township was in the possession of the Jews; their leader was a Jew Yūsha' b. Nūn by name. The Jews sent a message of submission and in return for security offered to surrender half the land.¹ Thus did the garden come into the possession of Islam.

It should thus be clear to every man that the land at Fidak could not be the personal property of the Holy Prophet. The claim to the property is made on the ground that it was not conquered by force of arms. But the question arises: Do the countries acquired by a king or an Imām by means of treaties become his personal property? There were other tracts of Arabia that came into the Holy Prophet's possession but were not conquered by the sword. Did anybody ever consider them to be his personal property? But one might well ask: If other tracts, not conquered by the sword, were not considered his personal property, what was the peculiarity in the possession of the land of Fidak that such a misunderstanding arose about it? The error arose this wise. Other lands acquired remained a public trust to the knowledge of everybody in the lifetime of the Holy Prophet. But he had reserved the pro-

1. Balādhurī: *Futūḥ u'l-Buldān*, art. Fidak.

perty at Fidak for his own expenses, which led to the notion that it was his personal property, and the notion was further strengthened by the fact that no army had been led against Fidak and the people at large had therefore no right to it. But the notion was certainly incorrect. No doubt, the Holy Prophet had reserved the lands to meet his personal expenses. But how did he actually spend the income? We possess full reports about it. One report says: "Half of Fidak was reserved for the Holy Prophet. He spent the revenue on wayfarers." Another report has it: "Fidak belonged to the Holy Prophet. He spent it in charity, on his own maintenance, on the poor among the Hāshimītes and on the marriages of their widows."¹ According to Bukhārī, after deducting for his own domestic budget for the year, the Holy Prophet spent the revenues on the general purposes of the State. From these reports it is obvious that the Holy Prophet's possession of Fidak was of the nature of royal estates of kings. Therefore, though reserved for his personal use, it never lost the character of a public trust.

We have now to inquire whether 'Umar was aware of this principle and rejected the claim of inheritance on its basis or whether it is a later invention. As has been related before, when after the conquest of Syria and Iraq 'Umar addressed the assembly of the Companions, he declared on the basis of the Holy Qur'an that the conquered terri-

1. Balādhurī: *Futūh-u'l-Buldān*, art, Fidak.

tories were not the property of any man, but that they were a national trust, as has been discussed above under *Fay*. However, from the verse of the Holy Qur'an it appears that the lands at Fidak were the Holy Prophet's own property, and that 'Umar himself understood the verse to imply so: "What Allah has made this people (*i.e.*, Banī Naḍīr) deliver to His Apostle, to conquer which you did not lead any camels or horses, but Allah empowers His Apostles over whom He pleases." On reading this verse, 'Umar declared the land was reserved for the Holy Prophet. The matter is mentioned in the *Saḥīḥ* of Bukhārī in detail in the chapters on *al-Khums*, *al-Maghāzī*, and *al-Mirāth*.

There is no doubt that on the basis of this verse 'Umar looked upon Fidak as a reserve of the Holy Prophet, but a reserve that does not form personal property and is intended for the privy purpose of kings, and to which the law of inheritance does not apply. Instead, the successor to the throne alone enjoys its income. That 'Umar meant this kind of reserve is definitely proved by the fact that when he declared the lands of Fidak to have been the reserve of the Holy Prophet on the basis of the verse quoted above, he also made the following speech, quoted by Bukhārī in the chapters of *Khums* and *Maghāzī*: "The Holy Prophet used to take from it the maintenance of his family for the year. The rest he spent as the property of Allah. This was the Holy Prophet's practice as long as he lived,

When the Apostle of Allah, on whom be peace and blessings, died, Abū Bakr said, 'I am the successor of the Apostle of Allah.' So he took possession of the land and used it as the Holy Prophet had used it. Then Abū Bakr died. Now I am the successor of Abū Bakr and I have had the land in my possession for two years, and have done with it as the Holy Prophet and Abū Bakr had done before."

It is evident from this speech that though 'Umar regarded the lands of Fidak as a reserve of the Holy Prophet, he did not regard them as his personal property (to which the law of inheritance could apply), and for this reason only that person who was the Holy Prophet's successor was in his opinion the rightful possessor of the property. That was how, he said, the land came into the possession of Abū Bakr and then in his own. 'Umar made this speech at the time when 'Abbās and 'Alī claimed the property of him, and he replied that the law of inheritance could not apply to it.

In short, in the opinion of 'Umar, the lands of Fidak were the personal reserve of the Holy Prophet as well as a public trust. The verse which 'Umar quoted to prove that the lands of Fidak were the Holy Prophet's personal reserve, he also quoted when the army demanded distribution among them of the lands of Iraq and added: "The injunction contained in the verse applied not only to Fidak and other reserves of the same kind, but is general and applies to all lands,"

The real source of misunderstanding was the fact that the lands of Fidak had two aspects. They were the royal estate of the Holy Prophet as well as a national trust. Ḥāfiẓ Ibn al-Qayyim has given an excellent exposition of the problem in *Zād-u'l-Ma'ād*¹ and writes: "It is a property different from other forms of property, and about which people hold different opinions. If it had not been so difficult to understand its nature, Fāṭimah, daughter of the Apostle of Allah, would not have claimed it. She thought it was heritable property and did not realize that the law of inheritance did not apply to it."

One can judge from these facts how beautifully 'Umar settled the questions around which have raged violent controversies and about which the Companions were themselves in doubt. His judgments were in accordance, on the one hand, with the Qur'an and the Ḥadīth and, on the other, with the principles of government and the demands of civilization.

CHAPTER XVIII

PERSONAL HABITS AND MANNERS

THOUGH the spiritual discipline of Arabia began with Islam, even before Islam many virtues were to be found among the Arabs which were the criteria of nobility, and of which any nation and any age may be proud. These virtues were to be found more or less in the whole race. But some individuals were distinguished above their contemporaries, and it was these men who received honour and leadership of the people. The more prominent of these virtues were eloquence and power of speech, poetry, heraldry, martial prowess, bravery and personal freedom. These virtues were looked for in leadership and military command. Nature had endowed 'Umar abundantly with all of them.

He was an orator by birth, and the contests of Ukāz had burnished the natural talent. It was on account of his special gift of oratory that the Quraish had appointed him their ambassador, a post which was given only to those who were distinguished for their power of speech. Even in ordinary speech sentences at times escaped his lips which were pregnant with meaning and were perfect specimens of art. When he saw 'Amr Ma'dī Karb for the first time, he was so struck by the sight of

his gigantic physique that he exclaimed: “Good God! Is his Creator and mine the same?” The difference between their respective persons was so great that they did not look like being the handiwork of the same Maker. When during the plague of Amwās, Abū ‘Ubaidah said angrily that he was running away from the will of God, ‘Umar replied in simple but profound words, “Yes, I run from the will of God to the will of God.”

‘Umar’s Power of Speech and Felicity of Expression

The addresses ‘Umar delivered on different occasions are extant today, from which one can judge his power of speech and felicity of expression. The following were the first sentences of the speech he delivered on assuming the reins of the Caliphate: “Almighty God, I am harsh, make me mild; I am weak, give me strength. Now then, the Arab is an unruly camel, and his nose-string has been placed in my hand. Behold, I shall keep him on the path.”

Two or three days later he held an assembly with a view to preparing the nation for the invasion of Iraq. People feared going to Persia, as Khālid has been recalled from that front. ‘Umar’s oration carried the day. Muthanna Shaibānī, a famous warrior, was forced to his feet, and then the whole assembly fired up. During his journey to Damascus ‘Umar had to address a large concourse at Jābia. The local Christian Bishop was there,

The assembly included men of all races and religions, and 'Umar had to deal with many subjects in his speech. The Muslims were to be exhorted to high morals; to the non-Muslims he had to expound the teachings of Islam and its aims in peace and war, and to the army he had to explain the cause of the dismissal of Khalid. 'Umar's treatment of the various subjects was so masterly that passages from his speech remained on the lips of the people for long. Jurists derived legal principles from it, litterateurs quoted passages as models of art, while ethicists found themes in it for moral discourses.

When he performed the Hajj of 23 A.H., which was his last Hajj, someone said to a friend that when 'Umar died he would swear allegiance to Talha. 'Umar was at Manā, where the conversation took place. When he heard of it, he was annoyed and said that he would address the people on the subject that night. 'Abd-u'l-Raḥmān b. 'Auf protested that all sorts of men assembled at Hajj, and if he spoke there, many people would not catch the true spirit of his speech and would not be able to report it faithfully to others. He should reserve his pronouncement for Madīnah, when people would be able to understand him better. 'Umar agreed. Towards the end of the month of Dhīl-Hajj he returned to Madīnah. On Friday, people began to assemble in the mosque early. 'Abd-u'llah b. 'Abbās, in his eagerness, sat at the foot of the pulpit and turning

to Sa‘id b. Zaid said, “‘Umar would speak today as he has never done before.” Sa‘id wondered what it was that he had not said before. The Aḥḥān over, ‘Umar delivered the address. An account of the occasion and address are both preserved in Bukhārī’s collection.¹ ‘Umar spoke of Thaqifa banī Sā‘ada, the Anṣār’s contention, Abū Bakr’s reply, the oath of allegiance that followed and the nature of the Caliphate. The treatment was so masterly that better could not have been thought of. On reading this address we realize that whatever took place on that historic occasion was right and any other choice was not possible.

When ‘Umar had to address meetings at which non-Arabs were also present, an interpreter accompanied him and translated the speech sentence by sentence as happened at Jābiā.² Ordinarily, he spoke *extempore*. But on occasions when great issues were at stake, he went prepared. About Thaqifa banī Sā‘ada he himself says that he went well prepared.

When ‘Uḥḥmān became Caliph and mounted the pulpit to speak, he stopped suddenly. Courage failed him and he made the excuse that Abū Bakr and ‘Umar used to come prepared, and that in future he too would do the same.

‘Umar could speak on any subject, but he himself confessed that he could not make a wedding

1. *Saḥīḥ Bukhārī* (Matbā‘ Aḥḥmādī, Meerut), p. 1069.
 2. *Izālat-u’l-Khijā’,* Part 2, p. 135.

oration. 'Abd-u'llah b. al-Muqaffa', a famous scholar and litterateur of the 'Abbāsīd period, was once asked why 'Umar could not make wedding orations. He replied,¹ "At a wedding oration all men sit on the same level, and the speaker is given no commanding position. On the other hand, when a speaker mounts the pulpit to address a public assembly, all men appear to him to be under his dominion. His voice, therefore, naturally gathers volume and power." But in our opinion, the real reason was that at a wedding oration the subject of discourse is narrow and confined, and one has to say the same thing over and over again.

Political Orations

It is noteworthy that the subjects on which older orators spoke were simple, commonplace and hackneyed. Their subjects were usually moral exhortation, tribal pride and vainglory, descriptions of natural events and expressions of joy and sorrow. Nobody had ever made complex political problems the themes of his oratory. 'Umar was the first Arab orator to speak on political problems. His public addresses were usually couched in plain language, but the meanings were profound.

Oratory calls for some other accessories besides the power of speech, and 'Umar possessed all of them. His voice was powerful and impressive. He was so tall that while he stood on the floor, it

1. Al-Jāhīz : *Kitāb-u'l Bayān wa'l-Tabiyy:n* (Egyptian edn.), p. 50.

appeared he was on the pulpit. We shall cite here a few passages from his public addresses. Addressing the administrative officers of the provinces he once said:¹ “I find three ways of keeping money clean. Firstly, that it should be obtained by lawful means; secondly, that it should be spent on lawful things, and, thirdly, that it should be prevented from being spent on unlawful things. I shall fell the tyrant on the ground; with his one cheek on the floor and my foot on the other cheek, until he confesses. O people, Allah lays greater emphasis on things due to Him, and He says He does not permit you to regard angels as gods. You should know that I have not appointed you as tyrants. I have appointed you as leaders of righteousness so that people should follow you and lead virtuous lives.”

In another address he said: “You are God’s vicegerents on the earth, and you are in power over the local inhabitants. Allah succoured your religion. Therefore there will be no enemy of your faith except two parties; firstly, those who have submitted to Islam; they labour and trade while you take their profits. Secondly, those who only keep in wait for some revolution. God has inspired them with awe; Allah’s armies have defeated them. The armies have penetrated their homes with good living and plenty and large reinforcements and the fortifications of borders.”²

1. *Kitāb-u'l-Khārāj*, p. 67.

2. *Izālat-u'l-Khifā'*, quoting from Ṭabarī's: *Tārīkh*.

'Umar used to end his address with the following sentences: "O God, let me not fall into an error, nor let me be called to account unawares, nor let me fall into neglect."¹

His pen was as powerful as his speech. His *farmāns*, letters, official instructions, expositions, etc., are extant today, and we can judge from them that on whatever subject he wrote, his language was matchless. We quote here from a few of his letters. To Abū Mūsā Ash'arī he wrote: "People generally hate their ruler, and I seek protection of Allah, lest they should entertain similar feelings about me. Avoid vain suspicions and keep away from malice, and do not encourage people to cherish vain hopes, and be careful in respect of Allah's property, and guard yourself against evil men and do not let them combine. If you find any people who are vindictively inclined towards the Muslim state, it is a devilish inclination and must be put down by the sword, until they bow to Allah's decision and turn to better ways."

In another letter to Abū Mūsā, he said: "The thing that strengthens one in execution of work is that one should not procrastinate; for if you do so, your affairs will heap up and overwhelm you and you will not then be able to decide what to do and what not to do, and you will fail in your work."

When 'Amr b. al-Āṣ was appointed governor of Egypt, he delayed remitting the revenues. The

1. *'Iqd-u'l-Farīd*, art. Addresses of 'Umar.

Caliph sent him a reminder, but 'Amr procrastinated. 'Umar rebuked him angrily, to which 'Amr replied with boldness. These letters, which are preserved in Maqrizī's *History of Egypt*, show 'Umar's power of the pen. A few sentences run as follows: "I understand that the thing that has kept you from replying is the fact that your subordinates are no good. They have made you their shield, and it is a disease for which I possess an effective remedy. I am surprised that I have written to you often and at length, but you neglected sending the revenues and have avoided giving straight answers. So Abū 'Abd-u'llah, don't worry. Dues shall be taken from you and you shall pay them, for as the river yields the pearl, so will you have to render the dues."

'Umar's Taste in Poetry

'Umar has no great fame as a poet, and it is a fact that he wrote verses but rarely. But his taste in poetry was so chaste and refined that the subject cannot be left out of his biography. He carried in his memory the poems of a good number of Arab poets extensively and had definite opinions on their poems. Literary critics are agreed that a better judge of poetry did not exist in that period. Ibn Rashīq al-Qairwānī writes in *Kitāb-u'l-'Umdah*, of which I possess a copy in manuscript: "'Umar was the best judge and critic of poetry in his age." Jāhiz says in *Kitāb-u'l-Bayān*

wa'l-Tabiyyin:¹ “‘Umar b. al-Khaṭṭab was the best judge of poetry in his age.’”

Najāshī, a poet, wrote a lampoon on the family of Tamjm b. Muqbal. They complained against it before ‘Umar. The Caliph appointed the famous poet Ḥassan b. Thābit as arbitrator, and gave the decision in accordance with his finding. As this incident was likely to give the erroneous idea that ‘Umar himself did not understand poetry, the writers who report it add that ‘Umar resorted to this expedient as he did not like to get embroiled with foul-mouthed poets; otherwise there was no better judge of poetry than he.

Zahīr Declared the Most Poetical of All Poets

Though ‘Umar was versed in the works of all noted poets, there were three to whom he gave the palm, namely Imr-u’l-Qais, Zahīr and Nabigha. Of these three he liked the work of Zahīr most and used to call him the most poetical of all poets.² Arabs and scholars of Arabic poetry are not agreed as to who was the greatest Arab poet, though they all agree that selection must be confined to these three. ‘Umar gave preference to Zahīr. Jarīr, too, was of the same opinion. ‘Abd-u’llah b. ‘Abbas once accompanied ‘Umar on a military expedition. When the Caliph asked him to recite some lines from the most poetical of all poets, ‘Abd-u’llah asked who was it, and ‘Umar replied Zahīr. On

1. See p. 97 of the Egyptain edition.

2. See Jāhiz, *op. cit.*, p. 97, and *Kitāb-u’l-Umdah*.

being asked the reason for his preference, ‘Umar said, “ He does not use rare words ; his poems are free from complexity, and he treats only of subjects with which he is at home. When he praises any one, he speaks only of those virtues which the object of his eulogy really possesses.” To illustrate his point the Caliph read the following couplets :

إذا بتدرت قيس بن غيلان غاية من المجد من يسبق إليها يسود
ولو كان حمد يخلد الناس لم تمت ولكن حمد الناس ليس بمخلد

“ Qais b. Ghailān has attained the height of nobility ; now if anybody tries to exceed him, he will only come to shame.

“ If praise could have given immortality to a man, thou wouldst never have died, but peoples’ adulations never make one immortal.”

Critics of poetry are of opinion that Zahr’s poetry has the following characteristic features : His poetry is chaste, and though he belongs to the pagan period, his language is so refined that he gives the impression of being a poet of the Islamic period. Besides, he does not exaggerate. ‘Umar pointed out the same features in his own simple language.

Zahr’s patron was an Arab chief, Harm b. Sinān by name. It happened that the sons of both Harm and Zahr survived to the reign of ‘Umar and presented themselves before him. ‘Umar asked Harm’s son to recite some lines of Zahr composed in his father’s praise. The son did so, at which

'Umar said, "Zahīr wrote well in your family's praise." Harm's son replied, they paid him well. "Yes," said 'Umar, "but what your father gave has perished, but what Zahīr gave lives." Turning to Zahīr's son, he asked where were the robes of honour Harm had bestowed upon his father. The son replied that they had perished, at which 'Umar said, "Time will never destroy the robes that your father bestowed on Harm."¹

'Umar in Praise of Nābigha

After Zahīr, he loved Nābigha and had many of his lines by heart. Imām Shu'bi says that once he asked those present who was the best poet. They replied that none knew better than he. The Caliph asked whose was the following couplet:

الا سليمان اذ قال الا له له قم في البرية فاحدها عن الفند

"Remember Sulaiman when God said to him: Stand up in the earth and mark out a portion for yourself."

They said, it was Nābigha's. He read another couplet and asked whose it was:

اتيئك عبارياً خلقاً ثيابي على خوف تظن بي الظنونا

"I came to you in ragged clothes, lest you should entertain evil notions about me."

They again said, it was Nābigha's. 'Umar read yet another couplet and asked whose it was:

حلقت فلم اترك لنفسك ريبة
و ليس وراء الله للمرء مذهب

1. *Āghāni*, art, Zahīr.

“I have sworn and have left no room for doubt in your heart, and for a man there is no way beyond Allah.”

They said it was Nābigha’s. ‘Umar said, he was the greatest poet of Arabia.¹

‘Umar’s Opinion about Imr-u’l-Qais

All the same the Caliph acknowledged the excellence of Imr-u’l-Qais and the originality of his themes. ‘Abd-u’llah b. ‘Abbās once asked his opinion of the poets, when ‘Umar said of Imr-u’l-Qais: “He was the foremost of them. He brought forth water from the well of poetry and gave sight to blind themes.” The last sentence had reference to Qais’s being a Yamanite, for the Yamanites were considered to be of lower rank in the art of literature. This is how Ibn Rashīq construes ‘Umar’s utterance.²

‘Umar was so fond of poetry that when he heard a fine couplet, he would recite it over and over again to enjoy its sweetness. Zahr’s poems were once being recited before him, in which occurred the following couplet:

وان الحق مقطعه ثلاث يمين او نفاق او جلاء

“There are three ways of decision: one should either take an oath or flee the land or be exiled.”

He was immensely delighted with the division

1. *Āghānī*, art. Nābigha.

2. *Kitāb-u’l-‘Umdah*.

and kept on reciting it for long. On another occasion, the *Qaṣīda Lāmīa* of 'Abd-u'llah b. al-Ṭayyab was recited before him. When it came to the following couplet:

و المرء ساع لاسر ليس يدركه
و العيش شح و اشفاق و تامل

“Man seeks what he cannot attain. Life is miserliness or fear or hopes”

the Caliph went into raptures, and recited the second half of the couplet over and over again. In the same way, when he heard the *Qaṣīda* of Abū Qais b. al-Aṣlat, he recited some of its lines repeatedly.¹

Owing to his preoccupation with the affairs of the State, the Caliph did not have much leisure to indulge in such pursuits. But as he had a natural taste for poetry, he had thousands of verses by heart. Historians of literature say that he had such a vast number of lines by heart, that when he decided a case, he invariably recited some lines of poetry.

'Umar liked only those poems or verses in which certain virtues such as pride, self-respect, freedom, nobility of sentiment, etc., were extolled, and for this reason ordered army commanders and civil officers in the provinces to persuade people to memorize select poems and verses. The *farmān* to Abū Mūsā Aṣḥ'arī ran: “Order the people

1. Al-Jāhīz : *Kitāb-u'l-Bayān wal-Tabriyyin*, pp. 97-98.

to learn poems, for they point the way to high morals, sound reasoning and to the knowledge of genealogy.” The order to the district officers¹ said: “Teach your children swimming and riding and proverbs and good verses.”

It may also be noted in this connection that ‘Umar removed many blemishes from Arab poetry. It was a common practice in Arabia of those days for poets to mention respectable women by name and make love to them in their poems. ‘Umar put an end to this practice and punished the defaulters severely. Writing lampoons was also declared an offence. Ḥaiṣa, a well-known satirist, was sent to jail for the offence.

We may give here an anecdote about a very honourable tribe, Banī al-‘Ajlan by name, who were satirized by a poet. They complained to ‘Umar who asked them to recite the lines. They read the following couplet:

إذا الله عادى أهل لوم و رقعة
فعداى بنى العجلان رهط ابن مقبل

“If God hates mean men, may He hate the tribe of ‘Ajlan.”

‘Umar said that it was not a satire but a curse, and possibly God may not accept it. They read the next couplet:

قبيلتهم لا يغدرون بدمية ولا يظلمون الناس حبة خردل

“This tribe is never false to its engage-

1. *Isḥālat-u'l-Khīfā*, p. 193.

ments, nor does it oppress anyone in the least."

'Umar said, "Would that my whole family had been like that." The satirical in it was that these virtues were then looked upon as weaknesses in Arabia. They read another couplet:

ولا يردون الماء الا عشيةً
اذا صدر الورد عن كل منهل

"These people go to fetch water (from a well or spring) only at night, when other people have gone away."

The poet meant that they were weak and cowardly, but 'Umar said, "It is a good thing to avoid crowds." They read the last couplet:

و ما سمى السعـجلان الا لتقولهم
خذ القعب و احلب ايها العبد و اعجل

"They got the name of 'Ajlan, because people said, take the cup, O slave, hurry up and bring the milk."

'Umar remarked, "The leader of a people is their servant."

'Ilm-u'l-Ansāb, i.e., knowledge of the tribal ramifications and their ancestry was ancestral with 'Umar and had been developed in the family for many generations. His father Khattāb had been a famous genealogist, and 'Umar often cited him for his authority in such matters. Khattāb's father Nafil had also been famous in this branch of knowledge, as has been mentioned in the first volume.

'Umar's Knowledge of Hebrew

As has been stated before, 'Umar had learnt reading and writing before Islam. It also appears that he learnt Hebrew on arrival at Madīnah. Reports have it that the Torah had not yet been translated into Arabic. In the time of the Holy Prophet, when reference had to be made to Torah, the Hebrew text was consulted. As the Muslims did not know Hebrew, the Jews read it and translated it for them into Arabic. Bukhārī reports on the authority of Abū Huraira: "The Jews read the Torah in Hebrew and translated it into Arabic for the Muslims."¹ Dārimī reports in his *Musnad*: "'Umar once brought a copy of the Torah to the Holy Prophet and began to read it. He read it while the Holy Prophet's colour changed."² It appears from this that 'Umar had learnt enough Hebrew to be able to read the Torah.

Reliable reports prove that 'Umar often attended the lectures on the Torah held by the Jews. He himself says that he used to go when the Jews gave lessons in the Torah, and the Jews used to say that of all his co-religionists they loved him most, as he often visited them.³ His critical faculties and insight stood him in good stead in this connection also; for the more he learnt of their books, the more disgusted did he become with their sense-

1. *Saḥīḥ Muslim* (Maṭba' Aḥmadī), p. 1094.

2. Dārimī: *Musnad* (Cawnpore), p. 62.

3. *Kunz-u'l-'Ummal*, Vol. I, p. 233, quoting Baihaqī.

less myths and stories. There is a very large number of reports to the effect that when the Muslims came into possession of Jewish books in Iraq and Syria, 'Umar forbade them their study most sternly.

Keeness of Intellect

'Umar's keeness of intellect and ready wit may be judged from his legal pronouncements, of which mention has already been made. But even his ordinary utterances were not without flashes of genius. A couple of examples may be cited here. 'Ammār b. Yāsar was appointed governor of Kūfah. A year had not passed when complaints began to arrive that he had it not in him to inspire the people with respect and awe. 'Umar recalled him and said that he had known it before, but he had thought that the verse might perhaps fit him:¹ "We desire to be gracious to those who are considered weak to make them Imāms and inheritors (of the earth)."

'Umar once heard a man praying, "God keep me from trials."² He asked whether he desired God not to give him any children. (The Holy Qur'an calls children a trial.)

A person once asked him whether it was permissible to shorten prayers in a sea-voyage. He meant to ask whether a sea-voyage was a journey in law. 'Umar replied with the Qur'anic verse:

1. Tabarī : *Tārīkh*.
2. *Īzālat-u'l-Khifā*, p. 205.

“ He it is Who makes you travel on land and sea.”

Some of ‘Umar’s Wise Sayings

A number of wise sayings of ‘Umar are quoted in books of literature, especially in the appendix of *Majma‘-u‘l-Amthāl Maidānī*. We will quote here a few :

One who keeps his own counsel keeps his affairs in his own hand.

Fear him whom you hate.

The wisest man is he who can account for his actions.

Do not put off today’s work till tomorrow.

Money cannot help lifting its head.

What regresses never progresses.

He who does not know evil will fall into it.

When a man puts me a question, I know his intelligence.

Don’t forget your own self while preaching to others.

The less of the world, the freer you live.

Avoidance of sin is lighter than the pain of remorse.

On every dishonest person I have two watchmen : water and clay.

If patience and gratitude had been two she-camels, it would have mattered little on which I rode.

May God have mercy on him who sends me my faults for a present !

Soundness of His Opinions

The Caliph was sound of opinion. 'Abd-u'llah b. 'Umar used to say that when 'Umar said: "I think so," it always happened as he had thought.¹ There can be no greater evidence of the soundness of his opinion than the fact that many of his opinions became religious institutions and continue to this day. When it was proposed to have a special way to calling people to prayers, they offered various suggestions. One suggested bells, another trumpet. 'Umar suggested that a man should be appointed to announce prayers. The Holy Prophet at once asked Bilal to call the Adhān. It was the first day in Islam that Adhān was said, and, no doubt, for a religious purpose a better method of calling people could not be thought of. When difference of opinion arose in respect of the treatment of the prisoners of Badr, the opinion 'Umar gave received the sanction of revelation. The Holy Prophet's wives used not to observe *pardah* or seclusion, 'Umar remonstrated about it, but the Holy Prophet waited for revelation of the divine will, until the verse ordaining *pardah* was revealed. When 'Abd-u'llah b. Ubayy, leader of the hypocrites, died, the Holy Prophet, out of sheer kindness, desired to say his funeral prayers. 'Umar objected strongly and said that the Prophet should not say funeral prayers over the dead body of a

1. *Saḥīḥ Bukhārī*, Chap. on Islam.

known hypocrite. The revelation of the verse: “Do not say prayers over any of them,” settled the matter in favour of ‘Umar. Bukhārī and Muslim both report these incidents.

It was due to the soundness of ‘Umar’s opinion that the Holy Qur’ān was collected; otherwise Abū Bakr and Zaid b. Thābit, the amanuensis of revelations, were both opposed to the proposal. Whenever, in religious or political questions, ‘Umar differed from the rest of the Companions, with rare exceptions, it was his opinion that ultimately proved to be right. The Companions were unanimous that conquered lands should be divided up among the combatants.’ ‘Umar alone was opposed to the proposal, and had he not carried the day, the Muslim lands would have been worse than agricultural estates today. Abū Bakr and ‘Alī both were of opinion that everyone should have an equal share in the revenues of conquered lands. ‘Umar, however, fixed different rates in accordance with the services rendered. Abū Bakr and ‘Alī both allowed the sale and purchase of slave-girls who were mothers. ‘Umar disallowed it. The excellence of ‘Umar’s opinions in these matters was so obvious that no argument is called for.

When the question arose of the choice of a per-

1. Qāḍī Abū Yūsuf says in *Kiṭāb-u’l-Kharāj*: “‘Umar consulted the people about the conquered lands and they were of opinion that the lands should be divided up.” Again, “Companions of the Apostle of Allah and other Muslims wanted ‘Umar to divide up the conquered lands.”

son who should be able to shoulder the enormous burdens of the Caliphate, 'Umar named six and gave his opinion about each and in each case it proved correct. 'Umar used to weigh and ponder over everything and never trusted to appearances. He used to say, "Don't let yourself be misled about a person by his reputation," and "Don't judge a man by his prayers and fasting; look instead to his wisdom and to his sincerity." A man once praised somebody in his presence. 'Umar asked him if he had ever had any dealings with the person or accompanied him on a journey. On his replying in the negative, the Caliph said, "You are talking of something that you know nothing about."¹ A serious mistake made in the reporting of Hadīth was due to the fact that the collectors regarded the man who had the appearance of being pious as reliable and began to report on his authority. 'Abd-u'l-Karīm b. abī al-Maḥbārīq was an unreliable reporter. When Imām Mālik reported on his authority, people were amazed that he should accept the authority of such a person. Imām Mālik replied, "I was deceived by the frequency of his presence in the mosque."²

Umar's Religious Life

Owing to his preoccupations with the affairs of the Caliphate, 'Umar had not much leisure in the day-time, so he performed his religious devotions at

1. *Izālat-u'l-Khifā'*, Part 2, p. 197.
2. *Fath-u'l-Mughīth*, p. 128.

night. His custom was to say *nafl* prayers at night, and to wake up his family at dawn with the Qur’anic words, “And enjoin prayer upon thy family.”¹ In the morning prayers, he recited long *Sūras*, but recited at most one hundred and twenty verses. ‘Abd-u’llah b. ‘Āmir says that he once said morning prayers behind ‘Umar when he recited *Sūra Yūsuf* and *Sūra Ḥajj*. He is also reported to have recited *Sūras Yūnus, Kahf* and *Hūd* in morning prayers. He preferred saying prayers in congregation and said that he valued congregational prayers more than a whole night spent in devotions. If a piece of urgent work cropped up and there was no fear of prayer-time passing away, he would attend to the work first. On one occasion people were in line for prayers and the *aqāmat* had been said, when someone spoke to him. ‘Umar turned to him and continued in converse with him for a considerable time.² He used to say that one should finish one’s meals before saying prayers, He was at times so preoccupied with the affairs of *Jihād* that the same thought occupied his mind in prayers. He himself said once, “I prepare the armies while I am at prayers.” On another occasion he said that he had made an estimate of the revenues of Baḥrain in that morning’s prayers.³ He was saying prayers once when at the verse, “Then serve the Lord of this House,” he pointed with his finger to the Ka’ba. Shāh Walī-Ullah remarks that a gesture

1. Imām Mālik : *Muwatt’*.

2. *Izālat-u’l-Khriā’*, p. 90.

3. *Ibid.*

of this kind is permitted in prayers.¹ At times, in the course of his Friday sermon, he would speak to someone personally. Imām Mālik says in his *Muwattā* that 'Uthmān was once late in coming to Friday prayers and arrived when 'Umar had already commenced his address. Breaking off the address, he asked 'Uthmān why he was so late. He replied that he had gone to the bazaar, and as soon as he heard the Adhān, he had washed and hurried to the mosque. 'Umar objected why he had performed the ablutions only, for the Holy Prophet had commanded bath. Abū Bakr b. abī Shaiḥa reports that two years before his death 'Umar began to fast daily continually, but he also reports that when 'Umar heard of someone fasting continually, he took up his whip to chastise him.²

'Umar performed the Ḥajj every year and himself headed the pilgrimage.

'Umar had the fear of the Judgment Day much at his heart. According to a report in Bukhārī's *Ṣaḥīḥ*, he once said to Abū Mūsā Aṣḥ'arī, "Abū Mūsā, would you be content if we, who embraced Islam early and migrated and were with the Holy Prophet at all times, were to be awarded mere acquittal for all this, without getting any punishment or reward?" Abū Mūsā replied, "I would certainly not be content with mere acquittal. We have done much good and entertain better hopes." But 'Umar said, "By

1. *Izālat-u'l-Khifā*.

2. *Ibid.*, p. 102.

Him in Whose hand is ‘Umar’s life, I desire no more than this that we should be let off without any punishment.” On death-bed ‘Umar recited the following couplet :

ظلمت لنفسى غير انى مسلم اصلى الصلواة كلها و اصوم

“ I have been unjust to my soul, except that
I am a Muslim, say my prayers and fast.”

No Religious Prejudice

Though ‘Umar was an embodiment of religion, he was not a dry pietist, and was not severe and narrow-minded like the holy men of today. Our divines consider it to be incompatible with piety to use the utensils of Christians. But Imām Bukhārī and Imām Shāfa‘ī report :¹ “ He made ablutions with water brought from a Christian woman.” Baghawī reports still more explicitly : “ ‘Umar made his ablutions with water from a Christian woman’s pitcher.”² Baghawī also reports ‘Umar’s permission to eat cheese prepared by Christians.³ The food prepared by Christians is considered improper and even forbidden these days, whereas ‘Umar inserted the stipulation in his treaties with Christians that if a Muslim passed their way, they would entertain him for three days. People are being taught these days to hate non-Muslim nations, but ‘Umar did not forget his Christian and Jewish subjects even on his death-bed and made a will in their behalf which

1. *Izālat-u’l-Khifā*, Part 2, p. 88.

2. *Ibid.*, p. 138.

3. *Ibid.*

is preserved in Bukhārī's *Ṣaḥīḥ*, *Kitāb-u'l-Kharāj* and other authorities. Shāh Walī-Ullah (in *Izālat-u'l-Khifā'*) counts it as an excellence of 'Umar that he enjoined magnanimous treatment of the *Dhimmīs* in his last testament.¹

Muḥib Ṭabarī reports that 'Umar forbade his officers to employ Christian servants, and it is a pity that even Shāh Walī-Ullah accepts these reports. But one who has read Muḥib Ṭabarī's *Riād-u'l-Naḍra* will realize at once what value to attach to his reports. This writer does not even know that the whole revenue record of Iraq, Syria and Egypt was kept in Syriac, Coptic and Persian, and for this reason the officials of this department were all Christians or Magians. Personal servants apart, 'Umar had a Christian Roman sent to Madīnah to compile records of taxes. Balādhurī reports 'Umar's order in *Kitāb-u'l-Ashrāf*: "Send us a Roman for putting taxation records in order."

No non-Muslim can visit Makka today. It is considered a religious injunction. But in the days of 'Umar, non-Muslims visited the Holy City without let or hindrance and stayed there as long as they pleased, several instances of which are cited in Qaḍī Abū Yūsuf's *Kitāb-u'l-Kharāj*.² Modern Europeans who accuse Islam of narrow-mindedness and superstition should know that the Islam of today is not the real Islam. For a picture of true

1. *Izālat-u'l-Khifā'*, p. 73

2. Pp. 78, 79.

Islam one must look into the mirror of the history of the first four Caliphs.

Literary Assemblies

Questions of learning were often discussed in 'Umar's society. One day some heroes of Badr were present in the company, when he asked them what اذا جاء نصر الله و الفتح (Sūra xc.) meant. Some said, it meant that when victory was obtained, people should render thanks to the Almighty, while others remained silent. 'Umar looked at 'Abd-u'llah b. 'Abbās who said that the verse contained an indication of the demise of the Holy Prophet, that victory had come and it was time for him to depart this life; therefore, he should pray for forgiveness of his shortcomings. 'Umar said that it was also his opinion.¹

At another assembly of the Companions, at which 'Abd-u'llah b. 'Abbās was also present, 'Umar asked the meaning of the verse (ii. 266): "ايدود احدكم ان تكون له جنة" ("Does one of you like that he should have a garden of palms and vines with streams flowing beneath it; he has in it all kinds of fruits, and old age overcomes him and his offspring are weak when a whirlwind with fire in it smites it, so it becomes blasted"). Someone said that Allah knows best. This senseless reply annoyed 'Umar who said that if one did not know one should say so. Owing to his youth, 'Abd-u'llah b. 'Abbās hesitated to speak, but

1. *Saḥīḥ Bukhārī*, Commentary on *Iza Jā'a*.

'Umar encouraged him and said that he must not underrate himself and should say what he felt to say. 'Abd-u'llah said that the verse contained the parable of a worker. The exposition was not enough and 'Umar expected more, but 'Abd-u'llah b. 'Abbās could not say more. Thereupon 'Umar explained the verse and said that it was the parable of a man whom God had given wealth that he might act righteously. He did not do so, with the result that he lost all.¹

A Muhajir once drank wine. He was arrested and brought before 'Umar. The Caliph wanted to punish him, but he pleaded that he could not be punished for the offence of drink, and adduced the following verse of the Holy Qur'an in his support: "There is no wrong in what they have eaten in those who believe and do good." He went on to say that he was with the Holy Prophet at Badr, Hudaibiya, at the Battle of the Trench and other expeditions, and was therefore to be counted among those who had done good. 'Umar looked at the Companions and 'Abd-u'llah b. 'Abbās said that the verse covered the offence of drink committed before its prohibition was revealed, but not after the prohibition. Thereupon he read the following verse:² "O you who believe, drink, gambling, idols and arrows of divination are an uncleanness, creations of the devil; therefore avoid them."

1. *Sahih Bukhārī* (Meerut Edn.), p. 152.

2. *Izālat-u'l-Khifā'*, p. 213.

'Umar's Companions

The people whose company 'Umar preferred were generally men of learning and intellectual attainments. In this respect 'Umar made no distinction between young or old. Bukhārī¹ reports: "The associates of 'Umar and those with whom he consulted on affairs were men of learning, young and old alike."

A large part of *Fiqh* which was refined and chastened and is known as the "*Fiqh* of 'Umar" was the product of these meetings. The pillars of these meetings were Ubayy b. Ka'b, Zaid b. Thābit, 'Abd-u'llah b. Mas'ūd, 'Abd-u'llah b. 'Abbās, 'Abd-u'r-Raḥmān b. 'Auf and Ḥurr b. Qais. 'Umar held them in great esteem on account of their learning and acumen. Ordinarily, when 'Umar held such courts, people were admitted according to their rank. The first to be admitted were the oldest Companions, then those next to them, and so on. But, occasionally, this order was abandoned, especially in favour of those who were distinguished for their learning. Accordingly, 'Abd-u'llah b. 'Abbās was put in the category of the oldest Companions. He was instructed, however, not to put himself on a level with the elders in questions and answers, *i.e.*, he must wait until the others had spoken. It happened at times that the younger ones hesitated to express their opinions on matters under discus-

1. *Saḥīḥ*, Vol. II, p. 669.

sion.¹ 'Umar would then encourage them and say that wisdom did not depend upon years.² 'Abd-u'llah b. 'Abbās was very young at the time, and some Companions of rank objected to his presence in their midst. 'Umar explained why he had permitted him to sit with them. He then put forth a question which all but 'Abd-u'llah b. 'Abbās failed to answer correctly. The Caliph held 'Abd-u'llah b. Mas'ūd also in high esteem. When he appointed him Qaḍī and treasury officer of Kūfah, he wrote to the inhabitants of the city: "I am sending you a teacher as well as a Wazīr. I have given you preference over myself in that I am sending him away from me." When 'Abd-u'llah b. Mas'ūd answered particularly difficult questions, 'Umar would say: "He is a vessel full of knowledge."

Though in knowledge and insight 'Umar had not his equal except 'Alī, he yet conducted himself towards men of talent as one treats one's superiors. Dhahabī says in *Tadhkirat-u'l-Huffāz* that 'Umar treated Ubayy b. Ka'b with great respect and held him in awe. When Ubayy died, 'Umar declared, "The chief of the Muslims has passed away today." Whenever he went out on a journey, he left Zaid b. Thābit behind as his deputy and rewarded him for it on his return.³ Similarly, the Caliph held Abū 'Ubaida, Salmān the Persian, 'Umar b. Sa'd, Abū Mūsā Aṣḥ'arī, Sālim, Abū Dardā', 'Imrān b.

1. *Fath-u'l-Bārī Sharḥ-u'l-Bukhārī*, Commentary of Iza Jā'a.

2. *Izālat-u'l-Khifā'*, p. 119.

3. Ibn-u'l-Jauzī: *Sirat-u'l-'Umarain*.

Ḥaṣīn, etc., in great esteem. There were many among the Companions who were granted stipends for the only consideration that they were talented and accomplished men. Abū Dh̄ar Ghifārī had taken no part in the battle of Badr, but was granted a stipend equal to that of the heroes of Badr on the ground that in talents and accomplishments he was second to none.

Talent Acknowledged by ‘Umar

‘Umar’s favours were not confined to any one group. Whoever gave proof of talent received due acknowledgment from him. ‘Umair b. Wahb al-Jamḥī received two hundred dinars a year for his steadiness in crises in battles.¹ Kh̄arīja b. Ḥudhaifa and ‘Uthmān b. Abī al-‘Aṣ were granted stipends because the former was brave and the latter very generous.²

Mughīra b. Shu‘ba was once commanded to submit works of the poets of Kūfah, which they had composed in the Islamic period. Mughīra sent for Aghlab ‘Ijlī first of all and asked him to recite his poems. He recited the following line:

لقد طلبت هنيئاً موجوداً
ارجزاً تريد ام قصيداً

“You have asked for a very easy thing. Do you want *rajz* or a *qasīda*?”

Mughīra then sent for Labīd and asked him to recite his work. He wrote down a copy of Sūra *Baqarah* and said that God had given it to him in

1. *Futūḥ-u'l-Buldān*, p. 456.

2. *Kunz-u'l-Ummāl*, Vol. II, p. 317.

place of poetry. Mughīra made his report accordingly. 'Umar ordered that Aghlab's stipend should be reduced and five hundred added to the stipend of Labīd. Aghlab made a representation to 'Umar and protested if that was the reward of his compliance with orders. 'Umar maintained his stipend as well as the increase in Labīd's stipend.

Men of talent of the period, poets, orators, genealogists, wrestlers, warriors, all came to 'Umar's court and received favours. The greatest poet of the day was Mutammim b. Nuwaira, whose brother had been slain by mistake by Khālid in the reign of Abū Bakr. He was so shaken by the event that he wept unceasingly and sang elegies over his dead brother. Men and women followed him as he passed and made him recite the elegies. He read and wept and others wept with him. When he came to see 'Umar, the Caliph asked him to recite his elegies. He recited a few verses. The last two couplets ran as follows :

وكننا كنه مائى جزيمة حقة من الدهر حتى قيل لن يتصدعا

“For a time we were together with the courtiers of Jadhīma, until people said we would never part.”

فلما تفرقنا كاني ومالكاً لطول اجتماع لم نبت ليلة معاً

“Then when we parted, it was as if we had never spent a night together.”

'Umar said that if he knew how to compose an elegy, he would have composed one for his brother

Zaid. The poet replied, "Amīr-u'l-Mu'minīn, if my brother had died the death of a martyr as your brother did, I would not have mourned over him." 'Umar used to say that nobody had ever condoled with him over the loss of his brother as Mutammim did.

The poetess Khansā' who wrote only elegies also lived in the same age. Her *diwān* is extant and contains nothing but elegies. Historians of literature agree that an elegiac poet of the calibre of Khansā' has not yet been born. 'Umar saw her weeping and crying in the Sacred Mosque of Ka'ba. went up to her, condoled with her and continued in her name the salaries of the four sons she had lost in the battle of Qādisiya.

In wrestling and fighting two men, Ṭulaiḥa b. Khālid and 'Amr Ma'dī Karab, were distinguished in the whole of 'Arabia, and each was considered the equal of a thousand horsemen. 'Umar received them at court, and when he sent them to the battle of Qādisiya, he wrote to Sa'd Waqqāṣ that he was sending him a reinforcement of two thousand horse. Besides being a wrestler, 'Amr Ma'dī Karab was also an orator and a poet. 'Umar often used to talk with him on the art of war. On one occasion when 'Umar questioned him about Arab tribes and weapons of war, Ma'dī Karab gave such brief but pregnant replies that Arab writers have preserved them as specimens of the literary art. Mas'ūdī cites them in full, from which we cull a few. Asked about the lance, he said, "It is thy brother, but at times

proves faithless." About arrows he said, "They are the messengers of death; sometimes they reach their destination and sometimes go astray." About the shield he said, "All evils fall on it." And so he gave pregnant descriptions of all the weapons, which however we must pass over.

This generous appreciation of talent brought all the capable men to his court and 'Umar put their talents to high purpose.

Special Consideration of the Holy Prophet's Relations

'Umar always had a special consideration for the Holy Prophet's relations. When it was proposed to allot stipends to the Companions, 'Abd-u'r-Raḥmān b. 'Auf and others were of opinion that 'Umar's name should come first. But the Caliph refused and said precedence should be determined by the degree of relationship with the Holy Prophet. Accordingly, he began with the Hāshimites, and even among them with 'Abbas and 'Alī. Next to the Hāshimites came the Umayyads in the tree of genealogy, and after them Banī 'Abd Shāms, Banī Naufal and 'Abd-ul-'Uzzā in the same order. 'Umar's own family Banī 'Adī came after these. The names of the stipendiaries were written and the amounts of stipends were allotted in the same order. The highest salaries were given to the heroes of Badr. Imām Ḥasan and Imām Ḥusain were not in this category, but received the same salaries. The Holy Prophet's wives received twelve thousand each. This was

the highest salary granted to any. Usāma b. Zaid was granted a higher salary than his own son ‘Abd-u’llah’s. The latter protested, but ‘Umar said that Usāma had been dearer to the Holy Prophet than he, and Usāma’s father Zaid dearer than his father, ‘Umar.¹

As has been mentioned before, there was some estrangement between him and ‘Alī in the early days of Abū Bakr’s Caliphate. ‘Alī did not take the oath of allegiance to Abū Bakr for six months. As Bukhārī relates in his chapter on the battle of Khaibar that when Lady Faṭīma Zahra died six months after the election, ‘Alī sent for Abū Bakr to give him his allegiance and make up between themselves, but asked at the same time that Abū Bakr should come alone, as he (‘Alī) did not like the presence of ‘Umar.

But by degrees, when ‘Alī overcame his feelings at being passed over in the matter of the Caliphate, the estrangement disappeared and they became friends again. Accordingly, ‘Umar always consulted ‘Alī in important matters, and the latter, too, gave his counsel with sincerity and goodwill. ‘Umar even desired to appoint him to the command of the expedition to Nihāwand, but ‘Alī refused. When ‘Umar went to Jerusalem, ‘Alī was appointed deputy at Madīnah. Their friendship and amity were finally sealed when ‘Alī gave his daughter, by Lady Faṭīma, Umm Kulthūm, in marriage to ‘Umar, as will be

1. For details see, *Kitāb-u’l-Kharāj*, pp. 24, 25.

stated more fully later.

Principal Traits of 'Umar's Character

Historians have noticed that courtesy and simplicity of habits were the principal features of 'Umar's character. Simplicity was in fact the most appropriate jewel in the crown of his grandeur and majesty. His life presents two pictures. One is of a statesman despatching armies to the conquest of Iraq and Syria, or preparing to receive the ambassadors of Persia and Byzantium, or putting conquerors and governors of provinces like Khālīd and Mu'aviyah on the mat, or dictating orders to provincial governors like Sa'd Waqqāṣ, Abū Mūsā Ash'arī, and 'Amr b. al-'Āṣ. The other is of a plain man clad in patched garments, a tattered turban on his head and ragged shoes on his feet. We see him carrying a water-skin on his shoulders to deliver water at some widow's home, or lying on the bare floor of the mosque where, tired with the day's work, he has gone momentarily to sleep.¹

He travelled many times from Madīnah to Makkah and back, but never took a tent with him. On the way he would cast a sheet on some bush and rest in the shade. Ibn Sa'd says that his daily domestic expenses amounted to two dirhams, about ten pence in all. Aḥnaf b. Qais once went to see him with a number of leading Arabs. They saw him running around with clothes tucked up. "Come

1. *Kitāb-u'l-Kharāj*, p. 387, chap. on *Al-Zuhd*.

and join the chase,” the Caliph called to Aḥnaf as he caught sight of him, “a camel belonging to the treasury has run way, and you know how many people share in the property.” Someone said, why he worried personally, why not send a slave to round it up. “Who is a greater slave than I?” said ‘Umar.

Imām Muḥammad reports in his *Muwatta* that when he went to Syria and neared the city he alighted from his camel for a call of nature. His slave Aslam accompanied him on the journey. Having answered the call, by mistake or on purpose, he mounted the slave’s camel. The people of Syria came to receive him. Whoever came went to Aslam first, who then beckoned them towards ‘Umar. People were amazed and whispered among themselves. ‘Umar said that they were looking for signs of magnificence.

In his sermon he said one day, “Friends, I was so poor once that I fetched water for people and they gave me dried dates in payment. I lived on those dry dates.” Having said this he descended the pulpit. People wondered why he had spoken so. ‘Umar replied that he had been feeling a little elated; the speech was the cure.

When he went on Ḥajj in 23 A.H., at a time when his power and grandeur were at the highest meridian, Sa‘id b. al-Musayyab, a well-known *Tabi‘i*, was also in the company. He reports that when ‘Umar reached Abṭāḥ, he swept up some gravel,

covered it with a piece of cloth and laid himself down with the heap of gravel for his pillow. He then lifted his hands in prayer and said, "Almighty God, I am now grown old, my limbs are growing weak, it is time I went."¹

'Umar's Lighter Pursuits

The burdens of office had made him very austere, though it was not his natural turn of mind, and when he had leisure, he enjoyed lighter pursuits for relaxation. Once he made 'Abd-u'llah b. 'Abbas recite him poems the whole night. When the dawn was breaking, he said, "Now recite the Holy Qur'an." The Hadīth specialist Ibn Jauzī says in *Sirat-u'l-'Umarain* that he was making his rounds one night when hearing the sound of music, he turned his ears towards it and stood listening for a long while. Once he was accompanied on a Hajj journey by 'Uthmān, 'Abd-u'llah b. 'Umar, 'Abd-u'llah b. Zubair and others. The last named was having fun with boys of his own age and playing with colocynth seeds. 'Umar did not object; he only warned him not to startle the camels. The fellow-travellers asked Rabāḥ to sing the camel-drivers' song. He hesitated on account of 'Umar. As the Caliph had no objection, Rabāḥ began to sing. 'Umar too listened. When morning was dawning, he asked him to stop as it was time to remember God.² On

1. Imām Muḥammad; *Muwatṭa*, p. 304.
2. *Izālat-u'l-Khifā*, p. 206.

another Hajj journey, a camelman sang. People asked why he did not stop the man. The Caliph replied that music was the camel-driver's provision for a journey.¹ Khwāt b. Jubair says: "I was on a journey with 'Umar. Abū 'Ubaida and 'Abd-u'r-Raḥmān b. 'Auf were also with us. People asked me to recite the poems of Darar. 'Umar said it would be better if I recited my own. So I began and sang the whole night."²

'Umar's Quick Temper

Fierce, violent and quick-tempered by birth, in days of unbelief he was wrath personified, though traces of temper remained even long after he had embraced Islam.

At the battle of Badr, the Holy Prophet said that he knew the Hāshimites had been brought to the field by force; they would have never come of their own accord. Therefore, if Abu'l Bakhtari or 'Abbās or any of them were found anywhere, they should not be slain. Abū Hudhaifa said that he would not spare his father, brother, son or anybody. There was, therefore, no question of sparing the Hāshimites. If he came face to face with 'Abbās, the latter would know the keen edge of his sword. The Holy Prophet was shocked by this insolent speech and addressing 'Umar said, "Abū Ḥafṣ ('Umar's call-name), do you hear? Is the Prophet's uncle's face to be struck with swords?" 'Umar was

1. *Izālat-u'l-Khifā'*, p. 198.

2. *Ibid.*, p. 208.

already boiling with rage and was willing to strike off the culprit's head if only permitted to do so. Hudhaifa was a Companion of eminence, and the words had escaped his lips only in the heat of the moment. So the Holy Prophet said nothing more.

Haṭib b. Maltabah was an eminent Companion who had fought in the battle of Badr. He once entered into secret correspondence with the Mak-kans on account of some private necessity of his own. The secret came out and 'Umar was so angry that he went to the Holy Prophet and demanded permission to strike off his head. The Holy Prophet said, "Son of Khattāb, you do not know that God Almighty may have perhaps said to the heroes of Badr that they might do anything, they would not be questioned." A person of the name of Dhu'l Khwaisara once impudently said to the Holy Prophet, "Muḥammad, be just." 'Umar was beside himself with rage and would have struck off his head, had not the Holy Prophet intervened. These instances are enough to show how ever ready he was to draw the sword and strike off somebody's head, no matter whether it was a Muslim or a non-Muslim. But the effect of the teachings of Islam, declining years and the burdens of the Caliphate gradually softened his temper, until he became so mild that his treatment of non-Muslims was kinder than the treatment of one Muslim by another is today.

Not Very Fond of Wives and Children

His domestic life is not so well known. It

appears that he was not over-fond of his wives and children. Of wives especially he was not very fond. It was due perhaps to the fact that he did not have that regard for womankind which one ought to have. Bukhārī (Chapter on Dress) reports him saying, "In pagan days we looked upon women as mere nothings. When the Qur'an was revealed and in it was made the mention of womankind, it was then that we learnt that they too were somebodies. Still, we never allowed them to interfere with our affairs." The same report has it that on his rebuking his wife once, the wife answered back. "So you have come to that now," 'Umar said, to which the wife retorted that his own daughter spoke like that to the Holy Prophet.

One of 'Umar's wives was Jamīla, of whom was born 'Aṣim. 'Aṣim was yet a baby when 'Umar divorced his mother for some reason. It was the reign of Abū Bakr, and 'Umar, leaving Qubā' where he lived formerly, had settled in Madinah. One day he went to Qubā'. Seeing his son 'Aṣim playing with children, he caught hold of him, put him on his horse and wanted to carry him away. When 'Aṣim's mother learnt of it, she objected to it and wished to keep the boy with herself. The dispute became prolonged. She made her suit before Abū Bakr, and Abū Bakr gave the judgment against 'Umar. 'Umar had to submit. The incident is reported in Imām Malīk's *Muwāṭṭā* and shows that 'Umar's attitude towards women was not characteriz-

ed by that affection and compassion as was the case with other saintly men. Nor had he any unusual affection for his children or other relations. The only person he dearly loved was his brother Zaid. When the latter died a martyr in the battle of Yamamah, 'Umar wept and sorrowed deeply. He used to say, "When the wind blows from the direction of Yamamah, it brings me the fragrances of Zaid."

'Umar's Residential Quarter

As has been noted in the first volume, when 'Umar migrated, he put up in the suburbs of Madinah, two or three miles away. But during the Caliphate, he gave up his residence there and settled down in the city itself. The house in which he lived adjoined the mosque and was situated between the Gate of Peace and the Gate of Mercy. At death-bed he made the testament that the house should be sold to pay off his debts. Accordingly, the house was purchased by Mu'aviyah, and the sale proceeds were spent to clear off the debt. The house was known for a long time as the House of Justice.¹

His Means of Livelihood

'Umar earned his livelihood by trade. The excuse he offered, according to Bukhārī, for not knowing the Holy Prophet's injunction that one should take permission before entering a house

1. See *Kulūṣat-u'l-Wafā fī Dār u'l-Muṭṭifā*, Egyptian Edn. p. 129; also marginal notes on *Muw ṭṭa* of Imām Muḥammad, p. 272.

when on a visit, was that he did not wait on the Holy Prophet so frequently, owing to his commercial preoccupations. Besides trade, there were also occasional windfalls. Qaḍī Abū Yūsuf says in *Kitāb-u'l-Kharāj* that the Holy Prophet gave estates both to Abū Bakr and ‘Umar at Madīnah. When Khaibar was conquered, it was divided up among the Companions who had taken part in the battle. The land that fell to the lot of ‘Umar, which was called Thumagh, was exceedingly fertile. According to Balādhuri, the Holy Prophet had the names of those to whom shares were given from the land of Khaibar entered in a register. ‘Umar also got a piece of land from the Jewish family of Banī Hāritha. That piece too was called Thumagh. But he made both the lands into a trust for the service of God. That the land at Khaibar was made into a charitable trust is mentioned in Bukhārī’s *Ṣaḥīḥ* (Chapter on Trusts). The conditions of the trust were as follows: “The land shall not be sold nor be gifted away nor shall it be taken in inheritance, and its produce shall be spent on the poor, the near of kin, slaves, wayfarers and guests.”

His Maintenance Allowance

During his Caliphate, ‘Umar appealed to the Companions for maintenance, and in accordance with ‘Alī’s suggestion food and clothes of the average standard were sanctioned for him and his family. When stipends were allotted to others in

15 A.H., he too was given five thousand dirhams a year along with other Companions of rank.

It appears that in the earlier days of his settlement at Madīnah he did some agriculture as well, but he did it on the basis of half and half division of produce with the cultivator. Sometimes he supplied the seed himself, at others the tenant had to procure his own. The *Ṣaḥīḥ* of Bukhārī mentions the subject in the chapter on Agriculture.

His Food

'Umar's food was simple. The menu consisted mostly of bread and olive oil. When the bread was of wheat, the flour was unsifted. In the year of famine he ate barley alone. At times a number of things, namely meat, olive oil, milk, vegetable and vinegar, also formed part of the menu. When guests or deputations came, they suffered, as they were not used to such plain fare.

His Dress

His dress was also very simple. Usually, he wore a shirt only. A sort of a tall cap called *hurnous* which Christian monks used to wear was coming into fashion at Madīnah. 'Umar also wore it occasionally. His shoes were of the usual sandal-like variety of Arabia. His living was most simple. His clothes usually had a number of patches on. On one occasion he remained long in, while the people waited for him outside. They learnt later that he had no clothes to wear. He had washed the

one suit he possessed and until it dried, he could not come out.

But it must not be understood from these details that he cherished or approved of the self-mortifying piety of the anchorite. His attitude in this matter may be judged from the following incident. A gentleman whom he had appointed governor of Yaman once came to see him. He was very luxuriously dressed and his hair was well oiled. 'Umar did not like the outfit, and made him take off the costly robes and put on coarser stuff. The next time he came he was clad in old rags and had dishevelled hair, when 'Umar said that he did not like the new outfit either. What he wanted was that people should neither be ragged nor dress too expensively. 'Umar would have neither monastic severity nor unnecessary display of extravagance.

'Umar was brown of complexion inclined to fair and so tall that in the midst of thousands he could be seen towering above. Meagre of flesh in the face, 'Umar had a thick beard and long moustaches. The forepart of his head had become bald.

'Umar devised many institutions in the state's administration. Historians call them his innovations¹ and give a long list of them. We conclude this account of his life-history with this list:

1. Establishment of *Bait-u'l-Māl* or public treasury.

1. Most of these "innovations" are given together in *Kitāb-u'l-Awā'il* of Abū Hilāl al-'Askarī and in Ṭabarī's *Tārīkh*. Others have been gleaned from other authorities.

2. Establishment of courts of justice and appointment of judges.
3. The determination of the era of Hijra which continues to this day.
4. Assumption of the title of Amīr-u'l-Mu'minīn.
5. Organization of the War Department.
6. Putting army reserves on the pay-roll.
7. Establishment of the Land Revenue Department.
8. Survey and assessment of lands.
9. Census.
10. Building of Canals.
11. Founding of cities, namely Kūfah, Baṣrah, Jīza, Fuṣṭāṭ, Mūṣal.
12. Division of conquered countries into provinces.
13. Imposition of customs duties.
14. Taxation of the produce of the sea and appointment of officials for its collection.
15. Permission to traders of foreign lands to trade in the country.
16. Organization of Jails.
17. Use of the whip.
18. Making rounds at night to inquire into the condition of the people.
19. Organization of the Police Department.
20. Establishment of military cantonments at strategic points.
21. Distinction of pedigree and non-pedigree

- horses.
22. Employment of secret reporters and emissaries.
 23. Houses built on the road from Makkah to Madīnah for the comfort of travellers.
 24. Provision for the care and bringing up of foundlings.
 25. Organization of guest-houses in different cities.
 26. The ruling that Arabs, whether Muslims or non-Muslims, could not be made slaves.
 27. Stipends for the poor among the Jews and the Christians.
 28. Establishment of schools.
 29. Stipends for school teachers and public lecturers.
 30. Persuading Abū Bakr to collect the Qur'an and execution of the work under his own care.
 31. Formulation of the principle of *Qiyās*.
 32. More exact division of inheritance.
 33. Insertion of the formula "Prayer is better than sleep" in the call for morning prayers. (See Imām Mālik's *Muwattā*).
 34. Ordaining the holding of *taravīḥ* prayers in congregation.
 35. Three divorces pronounced at one session declared binding.
 36. Provision of the punishment for drunken-

- ness with eighty stripes.
37. Levy of Zakāt on horses of merchandise.
 38. Levy of Zakāt on the Christians of Bani Taghlab in lieu of *jiziyah*.
 39. Method of making trusts.
 40. Consensus of opinion on four *takbīrs* in funeral prayers.
 41. Organization of sermons in mosques. Tamīm Dārī gave a sermon with 'Umar's permission. This was the first sermon in Islam.
 42. Giving salaries to Imāms and Mu'adhhdhans.
 43. Provision of light in mosques at night.
 44. Provision of punishment for writing satires and lampoons.
 45. Prohibition of the mention of women's names in lyric poems, though the custom was very ancient in Arabia.

There were many other innovations besides, which we must omit for the sake of brevity.

CHAPTER XIX

HIS FAMILY

‘**U**MAR married a number of wives in his pagan days and after embracing Islam. The first wife he married was Zainab, sister of ‘Uthmān b. Maz‘ūn. ‘Uthmān b. Maz‘ūn was one of the earliest Companions and was the fourteenth to embrace Islam. He died in A.H. 2. The Holy Prophet was so grieved over his death that he kissed his body and wept. ‘Uthmān’s other brother, Qudāma, was also one of the Companions of rank. Zainab embraced Islam and died at Makkah. ‘Abd-u’llah and Lady Ḥafṣah were born of her.

His second wife was Qarība, daughter of Ibn Umait-ū’l-Makhzūmī, and sister of the Holy Prophet’s wife Umm Salma. As she did not embrace Islam and matrimonial relations with polytheistic women were disallowed, ‘Umar divorced her in A.H. 6 after the conclusion of the Truce of Ḥudaibiya.

The third wife Malaika, daughter of Jarūl al-Khuzā‘ī, who was also called Umm Kuthūm, also did not embrace Islam and was divorced in A.H. 6.

Zainab and Qarība were of the Quraiṣh, and Malaika belonged to the Khuzā‘ah tribe. On arrival at Madīnah, ‘Umar entered into relationship with the Anṣār and married Jamīla, daughter of ‘Āṣim b. Thābit b. Abī al-Aflaḥ, who was a high-placed

Anṣārī and had fought at Badr. Jamīla's first name was 'Āsia which the Holy Prophet changed into Jamīla on her conversion to Islam. 'Umar divorced her also for some unknown reason.

In the latter part of his life he desired to get connected with the family of the Holy Prophet as an honour and blessing. Accordingly, he applied to 'Alī for the hand of Umm Kulthūm. 'Alī refused at first owing to the young years of Umm Kulthūm, but 'Umar pressed his suit and said that he was doing it for the honour of being connected with the Holy Prophet's family. 'Alī agreed and the marriage was performed in A.H. 17. 'Umar paid a dowry of forty thousand dirhams.¹

'Umar also had other wives, namely, Umm Hakīm, daughter of al-Hārith b. Hishām al-

1. The marriage of Umm Kulthūm, daughter of Fātima, is mentioned in detail by all reliable authorities. Ṭabarī says in *Tārīkh Kabīr*, Ibn Ḥabān in *Kitāb-u'l-Thaqāt*, Ibn Qutaiba in *Ma'ārif* and Ibn al-Athīr in *Kāmil* that Umm Kulthūm, daughter of Lady Fātima Zahra, was the wife of 'Umar. There was another Umm Kulthūm who had been his wife, but historians make a clear distinction between the two. The accounts of Ṭabarī, Ibn Ḥabān and Ibn Qutaiba I have read myself, and more reliable authorities in matters of history are not thinkable. I quote them here. Ibn Ḥabān says in his *Thaqāt* under the title of 'Umar's Caliphate in connection with the events of A.H. 17: "Then 'Umar married Umm Kulthūm, daughter of 'Alī by Fātima, and consummated the marriage in the month of Dhil-Qa'da." Qutaiba, speaking of 'Umar's children in his *Ma'ārif* says: "Fātima and Zaid. Their mother was Umm Kulthūm, daughter of 'Alī b. Abī Ṭālib, by Fātima, daughter of the Apostle of Allah, peace and blessings of Allah be upon him." Where Ibn al-Athīr speaks of Umm Kulthūm in his *Uṣd-u'l-Ghābah*, he also speaks at length of her marriage. Ṭabarī too mentions the fact at several places. We omit the passage for fear of redundancy. Above all, Bukhārī, too, incidentally mentions Umm Kulthūm as the wife of 'Umar. The story reported in Bukhārī's *Ṣaḥīḥ* goes that on one occasion 'Umar distributed mantles among women. There was one over and 'Umar wondered to whom to give it, when someone said, "O Amīr-u'l-Mu'minīn, give it to the daughter of the Apostle of Allah (on whom be peace) who is thy wife, namely Umm Kulthūm." It clearly shows that Umm Kulthūm, who was the wife of 'Umar, was from the Holy Prophet's family.

Maḥzūmī, Fukaiha Yamania and 'Ātika, daughter of Zaid b. 'Amr b. Nafīl. 'Ātika was a cousin of 'Umar. She first married 'Abd-u'llah son of Abū Bakr. She was a very beautiful woman and 'Abd-u'llah loved her dearly. He died a martyr in the battle of Ṭā'if. 'Ātika mourned his loss in a touching elegy, of which one couplet runs as follows:

فأليت لا تنفك عيني حزينة عليك ولا ينفك جلدي اغبرا

“I have sworn that my eye shall not cease grieving over thee, and my skin shall ever remain covered with dust.”

'Umar married her in A.H. 12. 'Alī was present at the wedding feast.

'Umar had many children, of whom lady Hafṣah is most distinguished for being a wife of the Holy Prophet. She was first married to Khanīs b. Hudhaifa, a Muhājir Companion. Khanīs died a martyr at the battle of Uḥad. In A.H. 3 the Holy Prophet married her. She has reported many Ḥadīth traditions, and many Companions report traditions on her authority. She died in A.H. 45 at the age of 63.

The names of his sons were: 'Abd-u'llah, 'Ubaid-u'llah, Abū Shahma, 'Abd-u'r-Raḥmān, Zaid and Mujīr. Of these the first three are the more famous. 'Abd-u'llah is recognized as a pillar of the sciences of *Fiqh* and Ḥadīth, and Bukhārī and Muslim cite a large number of his reports and pronouncements. He embraced Islam along with his father at Makkah

and accompanied the Holy Prophet on most of his military expeditions. Dhahabī in *Tadhkirat u'l-Huffāz* and Ibn Khallikān in *Wafi'at u'l-A'yān* give extensive accounts of him, from which an estimate can be made of his learning and piety. Besides learning, he was fearless in speaking the truth. Hajjāj b. Yūsuf was giving an address at the Ka'ba once, when 'Abd-u'llah stood up and said, "This man is the enemy of God, as he has killed the lovers of God." Hajjāj hired a murderer to avenge the insult. The assassin wounded him with a poisoned dagger and he died of the ensuing illness. Dhahabī relates that when 'Alī and Mu'āviyah placed their dispute in the hands of arbitrators, people went to 'Abd-u'llah b. 'Umar and said that all the Muslims were agreed to his assuming the Caliphate, and if he agreed, they were ready to swear allegiance to him. But 'Abd-u'llah refused and said that he was not prepared to purchase the Caliph's crown with the blood of the Muslims. 'Abd-u'llah's son Sālim was counted among "the Seven Jurists" of Madīnah, who were the pillars of Ḥadīth and *Fiqh*, and without whose opinion no judge was permitted to decide a case. The names of the other six jurists were Khārijah b. Zaid, 'Urwah b. al-Zubair, Sulaimān b. Yasar, 'Uбайд-u'llah b. 'Abd-u'llah, Sa'īd b. al-Musayyab and Qāsim b. Muḥammad.

It should be noted that in the opinion of Ḥadīth specialists, two chains of Ḥadīth reports are the most reliable. They call them the "Golden Chains,"

One is Imām Mālik-Nāfi‘-‘Abd-u’llah b. ‘Umar, and the other is Zuhri-Sālim-‘Abd-u’llah b. ‘Umar. With the exception of Imām Mālik and Zuhri, all of them belong to the family of ‘Umar. ‘Abd-u’llah was his son, Sālim his grandson and Nāfi‘ his slave.

‘Umar’s second son ‘Ubaid-u’llah was famous for bravery and fighting qualities. The third son ‘Aṣim was a most pious man of learning. When he died in A.H. 70, ‘Abd-u’llah b. ‘Umar wrote an elegy on him, of which the following is a couplet:

فليت المنايا كن خلفن عاصماً ففشنا جميعاً اوزهن بنامعاً

“Would that death had left ‘Aṣim, so that we would have either lived together, or taken us away all together.”

‘Aṣim was very tall and bulky and wrote excellent poetry. Critics of poetry say that every poet has now and then to use words which are not really wanted, but ‘Aṣim was an exception. ‘Umar b. ‘Abd-u’l ‘Azīz was his daughter’s son. Ibn Qutaibah also speaks of ‘Umar’s grandsons and great-grandsons in *Kitāb-u’l-Ma‘ārif*, but we stop here for the sake of brevity.

CONCLUSION

ليس من الله بمستنكر ان يجمع العالم في واحد

“It is not impossible for God that He should make the whole world absorb in one man.”

THE life-history of ‘Umar the Great, with as much detail and accuracy as available sources permitted, is finished. Exhaustive biographies of other heroes of the world are already available. The reader has all of them before him and he is now in a position to judge whether there has been any other ruler in the world’s history who could be placed on the same level with him.

Students of human nature know that excellence in men is of various kinds and expresses itself in diverse ways. It is not only possible but it often happens that while a man has no equal in the whole world with respect to one particular virtue, of others his share has been but small. Alexander was one of the greatest conquerors, but he was no thinker. Aristotle was a thinker, but no conqueror. Great achievements apart, even minor virtues seldom find expression in one man. There have been famous men who were brave, but they possessed no high morals. There have been men of towering moral height, but they possessed no statesmanship. Some were blessed with both, but they had no learning or intellectual achievements to boast of.

Study now the personality of ‘Umar from various angles, and you will find that he was at once Alexander and Aristotle, Messiah and Sulaimān, Timūr and Anūshirwān, Imām Abū Hanīfa and Ibrāhīm Adham all rolled into one.

Look at him first of all as a conqueror and ruler. There is always some great statesman or soldier at the back of almost every great ruler in history, so much so that if the statesman or the soldier suddenly died, the conquests came to a stop or the framework of the government went to rack and ruin with equal suddenness. Alexander had to lean on Aristotle’s wisdom at every step. It was the hand of Abu’l Faḍl or Todar Mal that worked behind the back of Akbar. The glory of the ‘Abbāsids owed itself in no small degree to the Barmecides. But ‘Umar stood alone, by his own worth. The amazing military feats of Khālid had given the people a notion that the key of all conquests and military triumphs lay in his hands. But when ‘Umar dismissed him, nobody felt what part of the machine had fallen out. A similar notion became current about Sa’d Waqqāṣ, the conqueror of Persia. He, too, was dismissed and nobody missed him. It is true that ‘Umar did not do the whole work himself nor was it possible. But the men he employed were never allowed to become indispensable. He ran the machinery of the state in such a way that he employed his tools wherever he liked them, and when he deemed fit, he threw away

a tool altogether and prepared new ones to take its place.

There has been no ruler on the earth who has not had to overstep the bounds of justice and humanity at one time or the other. Anūshirwān's name is proverbial for justice and generosity, but his name is not quite free of stains. It was different with 'Umar. His whole record may be studied as minutely as possible, but not a single instant of injustice or oppression will be found therein.

Other great rulers of history were born in lands which already possessed long organized governments and well-understood constitutions. They did not have to create government anew. The systems they inherited either sufficed for their needs or were improved upon. But the land which gave 'Umar birth was totally ignorant of governments and constitutions. He had never dreamed of being called upon to rule over a country until he was forty, and his youth had been spent in grazing camels. In spite of these handicaps, he established a vast empire and organized its whole administration from bottom up, such as breaking up the lands into smaller administrative divisions, the organization of land taxes and customs, courts of justice, the police, public works, public instruction, the department of war, and framing of laws and principles for efficient administration and defence of the empire. Only an 'Umar could accomplish all that.

Can one point to any ruler in history who lived

the life that 'Umar lived, who was clad in one shirt with many patches in it, carried water to widows' homes on his own shoulders, who slept on the bare floor, who went about in the bazaars and went alone wherever he went, who curried camels with his own hands, who knew no porters and courtiers and forerunners, and with that all inspired such respect and awe that Arabia and Persia trembled at his name, and the earth shook in whichever direction he turned? Alexander and Tīmūr were held in awe, as they moved with thirty thousand troops each to guard their persons. But when 'Umar went to Syria, he had none with him but the camel on which he rode. Yet far and wide they knew that the centre of the world's gravity was in motion.

Now look at him as a scholar and thinker. There were those among the Companions, such as 'Abd-u'llah b. 'Abbās, Zaid b. Thābit, Abū Huraira, 'Abd-u'llah b. 'Umar, 'Abd-u'llah b. Mas'ud, who devoted themselves exclusively to the pursuit of learning. But when one compares their pronouncements with his, the difference of the master and the pupils becomes evident. Islamic learning made great strides in later ages and produced leaders of thought and learning, such as Imams Abū Ḥanīfa, Shāfa'ī, Bukhārī, Ghazzālī and Rāzī. But when one inquires carefully, one finds that none of them added to what 'Umar had already said. Freedom or predestination of the will, respect for divine symbols, the office of prophethood, reason and authority in law,

reliance on Hādīth, the value in law of single reports, the laws about the spoils of war and distribution of the Fifth, all these have been subjects of keen controversy in Islam, and scholars and critics have brought great talents to bear on the controversies. But when we inquire deeply, we find that the pronouncements 'Umar made on these questions have not been improved upon in the least bit by all these controversies. The great leaders of the various branches of learning have either followed him or differed with him, and when they differed, they were obviously in the wrong.

Morally, he looks a true picture of the prophets. In the fear of God and piety, courtesy, humility, simple living and self-sufficiency, uprightness and devotion to truth, patience, forbearance and contentment, and in the spirit of self-abnegation and self-denial, he was in no way behind Luqmān, Ibrāhīm Adham, Abū Bakr Shiblī or Ma'rūf Karkhī.

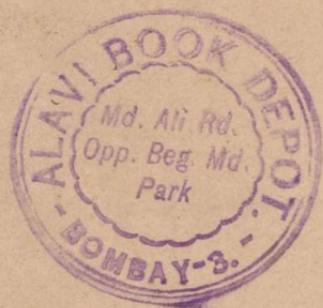
Shāh Walīullah has described 'Umar's versatility of talent and achievement in a most beautiful manner. A better ending to the present work than the graphic picture he gives is not possible. He writes :

“Imagine the heart of 'Umar as a house with many gates. At each gate is seated a noble genius. At one gate stands Alexander the Great with all his genius for conquering countries, commanding armies and vanquishing foes. At another gate

sits Anūshīrwān with all his gentleness and magnanimity, justice and love of his subjects (though to speak of Anūshīrwān in a characterization of ‘Umar is disrespect to the latter). At yet another gate sits a spiritual leader like Sayyid ‘Abd-u’l-Qādir Jīlānī, or Khwāja Bahā-u’d-Dīn. At another gate sit Hadīth specialists like Abū Huraira and Ibn ‘Umar, and at yet another gate sit thinkers of the calibre of Maulānā Jālāl-u’d-Dīn Rūmī and Shaikh Fārīd-u’d-Dīn ‘Aṭṭār. And people are standing around this house, and every needy one represents his need to the Imām of his branch of knowledge and goes away satisfied.”

Kashmir
July 5, 1898

Shiblī Nu‘mānī





بسم الله الرحمن الرحيم

الحمد لله رب العالمين

والصلاة والسلام على من لا نبي بعده

وبعد

فإن من أسمى العبادات وأعزها

وأنبلها وأجملها وأفضلها

وأعزها وأجملها وأفضلها

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