

VOLUME II

JANUARY 1967

NUM

JOURNAL
OF
RESEARCH
[HUMANITIES]

Edited by Siraj-ud-Din



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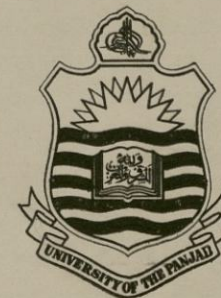
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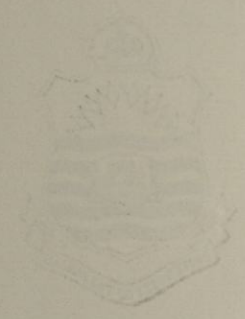
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FEMININE ATTITUDES IN SIXTEENTH-CENTURY EUROPE

SIRAJ-UD-DIN

The best excuse for writing history of anything is the intrinsic interest of the subject. Most men of past generations have thought, and many men still think, of politics as the warp and woof of social life. History for a long time therefore treated chiefly politics. Then came the economists to arouse the interest of scholars and of the public in the production and distribution of wealth. Economic history rightly absorbs much attention, for it illumines, with its new searchlight, many a dark corner of the past, and explains many features of present-day society.

However, to many of us today the most interesting thing about society is its culture; just as the most interesting thing about an individual is his thought. But no study of culture can ever be complete without taking into account the influence exercised by women on changing and unchanging social conditions. What has given women their larger sphere of action in modern times has been the growing wealth and the growing cultivation of male society. Women became the chief object of conspicuous expenditure, the chief exponent of the ostentatious leisure of a newly wealthy class. The growth of interest in literature, in art, and in science provided richer material for culture than did the former exclusive interest in sport, in the bottle, and in the chase.

In modern times a new culture is being evolved before our very eyes through the participation of women in almost every activity which was previously regarded the privileged domain of men. War has levelled many old barriers.

This paper deals with feminine attitudes in Europe during the sixteenth century. The questions that have been agitating European women for the last three or four decades are not as new as they in their enthusiasm might wish to believe. Some of them are almost as old as the hills. At certain

periods they have been investigated more closely than at others; the Renaissance was one of the periods in which these questions pushed to the front. Like our own age, it was a period of transition. Up to that time woman had been regarded as inferior to man: a sort of half man or, as caustic folk said, an *homme d'occasion*, *mas occasinatus*—a man marred in the making. During the Renaissance, however, the position of women began to undergo a slow transformation, material and moral. In France, particularly, they were able to assume an important part.

Let us analyse this great feminine revolution, by studying the woman of the sixteenth century in all her social relations and in all her activities.

We start first with the education of girls. Historians are very far from agreement in the information they give us as to the manner in which young girls were educated in those days. An old, but false, proverb runs: "The mother feeds, the father instructs," which signifies in plain language that the mother never instructed, suckling being the top of her capacity. On the other hand, as the treatises on education speak only of the boys, or at most of "children," and practically never use the word "daughters," some historians have concluded that the girls were left to vegetate and that their education was never considered, while others, on the contrary, and these not the least important—such as Burckhardt—have believed that the girls merely followed the same course as the boys.

The fact is that mothers had more to do with the education of their daughters than with that of their sons. If the sons were destined almost inevitably to disappoint their mothers' hopes, the daughters were to compensate for that disappointment. Her love for her sons had nothing but separation to look forward to; but in the love of mother for daughter a woman's heart found another stay. The daughter belonged to the mother.

Following the time-honoured mediaeval practice, the mother's one effort was to preserve for her daughter an absolute simplicity, a cloistral existence, shunning even physical exercises if they were at all energetic. "My daughter is of the age wherein the laws excuse the forwardest to marry. She is of a slow, nice, and mild complexion, and hath accordingly been brought up by her mother in a retired and particular manner, so that she

beginneth but now to put off childish simplicity." So Montaigne. And Pontanus (*De Liberis*) is even more illuminating:

Why should I admonish thee to shun the seduction of windows? An unbolted casement is the door to vice. Keep the mind free, but the eyes in durance; restrain thy eyes from tricks lest thy soul sin; yea, lest thy liberty fall and perish. Thrust away the fuel, and extinguish the beginnings of flame.

Such a system of education allowed, on the artistic side, some trifling pieces of needlework (tapestry, netting, or the like); music, not suggestive or light, but classical; as recreative reading, some elementary books of religion or morality; in science, some notions of physics, agriculture, medicine, some philosophical expositions of great moral questions, such as original sin, the redemption, the immortality of the soul, and the creed in general.

On this system, the mothers could not form close ties with their daughters, still less enter into their life.

The individualism of the Renaissance, however, did not fail to affect the practice of education: in France, Spain, and Italy, ideas were at boiling point. Anne of France was perhaps the first to realise that the period of struggle was only opening for women, and that they must arm themselves to maintain the fight. She set down her views in a little work, of a purely practical and intimate character, designed for her daughter's use. She insists on a wide mental culture to begin with, and a certain robustness of intelligence. Anne of France intended the moral and philosophic education of her daughter to be carried out with the aid of Boethius, Plato, the fathers of the church, and the ancient philosophers. Women, she said, must not be content with a dilettante reliance on impressions; they must make what they love an object of thought, and having found their reasoned conception, must seek to realise it. What they need is will, and, as a consequence, intellect and individuality.

This was a clear enough scheme of life. In Spain the same ideas obtained so striking a success that little girl, one might say, almost sucked in Latin with their mother's milk. They were given a tutor at an age when they ought to have been learning nothing but how to walk; at seven they were expected

to be able to maintain a conversation, and at thirteen to have finished their studies and be ripe for matrimony.

This programme, so vigorous that at first blush one would be tempted to think it a mere figment of the imagination, was not only propounded but largely practised by one of the most conspicuous men of the time—Vivès, who was tutor to the daughters of Isabella of Spain. Vivès went to England in the train of Catherine of Aragon. If there too he roused the same fire and enthusiasm for his ideas. His fervour led to a revolution, or rather, as Erasmus said, to a “topsy-turvydom” in high society; the men, who continued to scour the seas and do business in great waters, fell quite to the rear, while the young ladies, stepping to the front, engaged with a brisk rivalry in marvellous exhibitions of precocity. At thirteen, Lady Jane Grey read Plato in the original, and Mary Stuart delivered in public her first Latin speech; at fourteen, Queen Elizabeth translated a work by Margaret of France, *The Mirror of the Sinful Soul*. These wonderfully clever children were not confined to any particular country in Europe. The thing that urged them on was the general fear in which the husband was held, the pressing need of attaining, ere it was too late, a good condition of defence and even of superiority. The rising spectre of marriage fascinated mothers and daughters alike. At ten years of age, to tell the truth, such personages as Margaret of France had already disposed of their hearts!—so that to overwhelm them with work was believed the best way to protect them against themselves. “The craters of Etna, the forge of Vulcan, Vesuvius, Olympus, cannot compare their fires to those of the temperament of a young girl inflamed by high feeling,” cries Vivès. The more effectually to extinguish these flames Vivès reinforces the regimen of work with a course of cold water and a vegetable diet.

The Italian School, on the other hand, concentrated on the cultivation of sensibility in a young girl. The education dear to this school was above all an education of impressions and enthusiasm, of sensibility as opposed to passion; scientific truth only came in to supply ballast and to prevent an exaggerated serenity, or an over-confidence in life.

Dolce, a supreme example of the Italian, took for the formation of an Italian woman the recognised elements: chastity, modesty, reserve, composure, and a regular study (this was to be particularly free, with no expurgation) of the classics and the church fathers; and from all this he would fashion for you the sweetest creature imaginable. Idleness and melancholy were his two great foes; he had no hostility to love. What reason was there to abstain from carefully cultivating a young girl's capacity for loving, seeing that as a woman she would find in it her chief resource? To reject the thought of love, to avoid the very utterance of the word, and then, like Vivès, to rack your brains to create infinite derivatives, was, according to Dolce, a childish and an untrustworthy proceeding; it would be much better to face the ordeal frankly, and deaden its shocks beforehand by anointing oneself with the healing balm of platonic doctrine. Women may fall through passion, but they can win salvation through sensibility, and therefore Dolce nourished them on the appropriate classics: Virgil, parts of Horace, Dante, Petrarch, Bembo, Castiglione. Abstract or severe studies were not for girls: “vain and futile quackeries,” he called them. What is the good of teaching them the dates and the nice problems of history? What need have they of great metaphysical principles in philosophy? The corn which is to go to the mill and make bread needs the plough's rude toil; a lovely delicate flower often asks no more than a handful of earth and a bountiful sky.

It was in this way that so many sweet Italian women blossomed out, almost spontaneously, delighting in life, all compact of poetry, archaeology, rhetoric, and philosophy—Attic through and through at thirteen years. The efflorescence was universal save at Venice, a city half germanic, half oriental, where they insisted on keeping the girls immured until their wedding day, showing nothing of them but bundles of millinery on Sundays. The same was true of Belgium and Holland. Erasmus uttered heart-rending plain's about the little girls he was ever meeting in the Low Countries, poor ignorant little creatures, thick-lipped, podgy, over-dressed, rigged out with a load of ribbons and feathers, with all the airs of innocent little baggages: “I ask myself,” he cries, “if these are dolls, or monkeys or girls.” How he would have liked to tear off all that flummery, and fill their beaks with a little Greek

or Latin or French! Old-fashioned people were no doubt distressed at these new trends in education. Dolce's opponents condemned his system as over-venturesome; they reproached him with going half-way to meet danger, with putting into hands still weak the two-edged sword which so often wounds lustier hands.

In the first place these young girls had male teachers, or even a tutor (women tutors were not very many). These young fellows (but older than their fair pupils) readily transformed themselves into friends and comrades. Some of them were known, it appears, to elope with their pupils, but that we must believe to have been purely casual, and their gaiety to have taken, as a rule, a different form. It is obvious, however, that it was not always possible to draw very fine distinctions between earthly love and heavenly love. Be that as it may, the young, aristocratic girls of the Renaissance were soon on their way to developing a certain independence of mind—that at least is the impression we get from Erasmus' Dialogues, *The Girl and the Lover*, *The Youth and the Courtesan*. Many of these girls pursued their studies with marvellous gusto; Petrarch and Erasmus they thought rather poor stuff, preferring to work at Poggio and Boccaccio. Their style of talk was intrepid. There was no standing on ceremony with them. Fun was fast and furious.

They devoured romances, novel and plays: these fine intrigues, these riotous passions seemed to them to constitute the ideal life. And that was not all. For a girl of eighteen or twenty life is no longer such stuff as dreams are made on, and as a rule the romances, good or bad, are at last thrown into the shade by a certain practical romance in which she must needs play her part, and which demands her whole attention. So it was with these bright young girls of the Renaissance. Very often princesses of the blood royal loved simple noblemen, or even men of lower rank: they never married them. It was too well known that love and marriage were two different terms. To describe the indignation and grief of old-fashioned people at this sight is impossible. "I would rather see a girl deaf or blind," cries Vivès, "than thus over-stimulated to pleasure." He begs the mothers for pity's sake to interfere, but the mothers are accustomed to live their own life and, besides,

a lady of fashion has so many occupations! He beseeches the preachers for help, waxing almost indignant when he hears them pompously stringing together platitudes on dogma instead of boldly attacking questions of living interest. But the preachers go on preaching. The grave Jean Raulin, from the eminence of one of the most fashionable pulpits in Paris, reasoned with the young ladies somewhat as follows: "To wed a widow, well and good! There is no fuss, no gold-drawing, no benediction, but withal it is a marriage: whilst with a counterfeit young maid presenting herself at the altar! Ah! fair ladies, guard your purity to the very hour of your espousals, whether you be earthly or spiritual brides! That is the precious treasure you must at all costs save, and for many reasons: because of human frailty, according to the words of the 2nd Epistle to the Corinthians, 'we have our treasure in earthen vessels'; because of its inestimable value, according to the words of Ecclesiasticus, chapter XXVI, 'There is no price worthy of a continent soul,' because of the irreparability of the mischief, according to the words of St. Jerome, 'God can do all things save restore a lost virginity.'"

The young ladies listened to all this, of course, with visible respect. But did they all act on the advice? Alas, no. The art of flirting is a very subtle one, and yet it is incredible how little time was required to bring it to perfection. Everybody had to do with it; even princesses wanted to fancy that they chose their husbands or their lovers. Kisses, caresses, secret trysts, presents, love-letters, showers of rondeaus and ballads, stolen glances, songs more than gay—all this made French or Italian flirtation an exquisite pastime, essentially intoxicating in its charm. These young ladies never spoke to their mothers without bleating "Madame ma mère," or lisping "By your favour, madam," like so many well-behaved silly sheep. Many of them were for ever showing their teeth: they had a laugh for anything, a phrase, a fly, a gentleman with a bald head. They were experts in the sedate management of their green-blue eyes, full of softness and opened neither too little nor too much. And yet these very good, modest, young damsels would not be a whit shocked at a pretty broad jest in the company of men:

"Some maidens, in their modest way,
With fools their garters stake at play."

In the evening by candlelight, ensconced in some nook of the spacious fire-place, young men and girls would sit unceremoniously on one another's knees, laughing and talking nonsense. These little love affairs had sometimes of course graver consequences. Plays and novels show us situations awkward enough. In the sixteenth century, there were still good people who wished girls to become deaf-mutes again, and constitute Our Lady "the guardian and warder of their hearts". But such talk was not very effective.

There were certain "schools of manners," designed to curb the excessive freedom of the new bright young things, where the young men never addressed the girls but on bended knee in the ancient style. But alas! these institutions intended to serve as a bulwark against the new manners, floated along, on the contrary, in their current. Catherine de Medici's "flying squadron," as it was called, completely lost the character of a boarding school, and discharged its functions with free-lance recklessness.

This, however, in no way interfered with marriage. It was a widely accepted principle that marriage and love are distinct, and must neither be confused nor blended. Except for a few eccentric people no one believed in the utility or the possibility of romantic love in marriage. It was universally agreed that no idea could be more absurd, less practical, more detestable, more immoral even. Marriage was a transaction, an establishment, a business partnership, a grave material union of interests, rank, and social responsibilities, sanctified by the close personal association of the partners. To insinuate an idea of pleasure was to rob it of its noble and honourable character, and to drag it down into the mire of sensuality. To mingle with it a physical suggestion was to degrade it; to mingle with it love, the absolute, great enthusiasms of heart or intellect, was to lay up for oneself disasters or at least certain disappointment. "Love-matches turn out badly quite as often as arranged marriages." A romance lasts a week, the reality for a lifetime. No passion can survive the humdrum, the monotony, the dead weight of matrimonial experience: and what marriage can hold out against passion! A certain equality is the rule of passion: what it demands is a perfect union between two persons who are mutually attracted and whom there is nothing to keep apart. What would become of married life under

these conditions, without some directing authority, without one to give law to the other? In regard to marriage, the time-honoured principle, rigorous though protective, was this: the husband ought always to take the helm, inbecile, madman or rake though he be: woman is born to obey, man to command. Wedlock then is good solid household bread, not by any means cakes and ale. It is the modest squat suburban villa in which you eat and sleep: passion is a church spire piercing the sky. To try to import passion into marriage is like trying to pack a cathedral into one's bedroom. And so marriage is to retain its actual character as a simple natural function of the physical life, like eating and drinking: the husband a domestic animal, presented to the woman by the usages of society, the accident of birth, and the terms of the bargain. There is no reason for choosing him except in so far as he fulfills these conditions. Do women choose their family relatives? The husband also is a relative, a partner, to whom every possible duty is owing except that of love. The woman's duty to him is to keep house for him, present him with children, nurse him in sickness, and regard his liberty as sacred. The marriage formula did of course include love, honour and obey, but this love was certainly not understood in any romantic sense.

In short, at whatever point of view one placed oneself, marriage excluded every idea of personal fancy: indeed, of all the contracts of life, marriage was the least tolerant of any such idea. Its traditional character as a business transaction no one would have dreamed of contesting. The idea that a young girl should submit was almost the only one on which there was complete agreement. In this respect the betrothals, "the marriages for the future"—marriages, that is, solemnised in infancy for future consummation—were of great service, and the higher the position occupied in the social scale, the earlier such marriages were. In distinguished families, betrothal was by no means unusual at the age of two or three. At this tender age Vittoria Colonna was betrothed to the Marquis of Pescara. Consummation usually took place at the age of twelve. That was a favourite age with the husbands; though, according to the best judges, fifteen was the age when the physical charms were at their best, and the soul was most malleable—a view dating as far back as Hesiod and Aristotle. Tiraqueau, the friend of Rabelais,

vaunts his exploit in having wedded a girl of ten. This gentleman had a large family, wrote many books, and was a water-drinker, whence an anonymous epigram reads :

"Tiraqueau, fruitful as the vine,
Got thirty sons, but drank no wine;
Not less prolific with the pen,
Produced as many books as men,
And had not water sapped his strength,
So strenuous a man at length
Had filled this world of ours—who knows?—
With books and little Tiraqueaux."

In vain did the French physicians implore the men in mercy to have a little patience, beseech them to wait at least until the fourteenth year: they demurred, for it was humiliating for a father to have a fifteen-year old daughter on his hands: at sixteen they would have called it a catastrophe.

Sometimes in great families, the girls were married in advance by proxy. Certain wives grew to womanhood without even making their husbands, acquaintance.

Urbino is not a great way from Mantua, but the diplomatic agent of Urbino found it necessary to urge his master, Francesco Maria della Rovere, a youth of eighteen, to come on a visit to Leonora Gonzaga, whom he described in the most alluring terms: "If your Excellency saw Madame Leonora, and the Marquis's little mare, you would see the two loveliest things I ever set eyes on. I do not think there is in all Italy anyone more beautiful or virtuous than madame, and I am sure no king or prince in Christendom has a mare to match his Excellency's."

Ultimately La Rovere yielded like a lord, and set off incognito to see his wife, a girl of fourteen years and a half, a merry little creature, pretty, well-bred, and a pupil of the historian Sigismondo Golfo. She was presented to him at the palace of Mantua, in the Hall of the Sun. He stepped forward to greet her, and embraced her in the most correct style; then, on Cardinal Gonzago remarking loudly that this was a somewhat frigid demonstration, he went forward again, caught Leonora by the arms and head, and planted

a becoming kiss upon her lips. Then they sat down and began chatting on the topics of the day, notably a portrait which had just been finished.

The final scene, in this as in every other affair, was enacted between the bride's father and the bridegroom or his parents. It was remarkably like any other sort of bargaining: and on this subject an old author throws a charming sidelight: he urges paterfamilias to bestow as much care on the choice of a son-in-law as on the purchase of a dog.

To find marriages of mutual affection it would have been necessary to go down among the lower ranks of the people, in country places; "good matches were made" as they danced together at the fair or at the village merry makings. But among the great the future spouses were subjected to a system of interviews, while the parents occupied themselves with calculations of the frankest and most practical kind: endless variations on the theme of utilitarianism pure and simple. Perhaps the girl is already smitten with a handsome officer: no matter, she will have to marry some surveyor from Paris, especially if he holds a good appointment on the crown lands. Or perhaps someone attached to the court. Having once come to a decision, the father is at no loss for excellent reasons both for himself and others. "He plays the guitar well," the father says to his unhappy daughter, "is a beautiful dancer, a good-looking decent fellow! He has the promise of a post as Lord High Whipper-Snapper to the King: 'tis a fine thing, a place at Court! given opportunity and a friend, and your fortune is made."

The father's egotism was only equalled by that of the bride groom elect. The man who thought of marrying, that is to say, of taking a wife, was a man of some thirty years; he had enjoyed his youth, and was now shutting the door upon it. Why? Often he was not clear himself: because the time had come, he supposed, for doing what everybody did. Celibacy was not the vogue. Luther very honestly regarded it as an intolerable burden contrary to nature. "It is as impossible to do without women as without meat and drink." And so a man took a wife because he thus fulfilled part of his duty as a healthy animal; he married because at thirty years the time had come for making a home and begetting a family. In reality a man married, in a manner, impersonally, rather for his family than for himself. There was

no question of yielding to a childish infatuation. He knew nothing of the girl he was espousing, either physically or morally. He merely assumed some likelihood of her resembling her parents, with the result that he devoted special attention to his prospective mother-in-law; she was the woman he was wedding. A young woman without relatives to serve as samples and guarantees was at a discount in the matrimonial market.

Up to the solemn moment of marriage, then, everything has been transacted between the parents. The young woman appears on this great day for the first or second time in her life. There she is at the door or under the porch of the church, standing beside her husband, involuntarily, with no desires of her own, passive—an offering, as it were, to the race. The priest comes down the nave, just as at funerals, receives the young couple's whispered "I will," sprinkles them lightly as they stand with a little lustral water, censes them; and then the procession is formed, to wind its way up to the altar where the nuptial benediction mass will be sung—a long, noisy procession, ponderous, gothic, all stiff with velvets, monumental stuffs, and gilded draperies; thirty, forty, sometimes three hundred persons, mostly members of the family; but in these circumstances of parade and pleasure the family becomes extraordinarily multiplied. At the head of the procession, buried under trappings of superb finery, the little bride is scarcely visible; she is for all the world like the clapper of a bell. And verily under that golden robe there is after all nothing—but a woman.

They leave the church, and the procession crawls on, displaying through the town its festal finery drawn from ancestral coffers, with a majesty which may perhaps give the impression of an official pageant, but nowhere indicates the crowning incident in a love-story. All is significant of a serious, authentic, arithmetical fact, a practical and substantial fact, a performance got up for the honour of a family.

It is precisely this which sends a thrill through all who take part in the ceremony. Under these huge plumes and massive carcanets there vibrates a delirious but very real joy—the old family joy in pomp and circumstance. What man is there who, however poverty-stricken he may be, dispenses with magnificence at his marriage!

In the rural parts of France the company only rose from table to sit down again, or to dance under the elms. Deep drinking, quarrels, broad jests, strange customs—all this developed a boisterous gaiety. The bridegroom alone groaned under it. The poor man spent his time running from fiddler to purveyor; he was expected to show everyone a smiling face, to receive his guests, have a word for all, crack jokes, be at everybody's beck and call, lucky if at an odd moment he could snatch a morsel to eat. At nightfall the couple are solemnly bedded. At this moment, in France, the fun was only just beginning. The house seemed verily bewitched: not a bolt catches, not a window but is under a spell; at the most unexpected moment an avalanche of troublesome visitors burst into the nuptial chamber; the couple spring out of bed; the intruders wax hilarious. In her precipitation the bride has perhaps torn a little rent in her shift; a court is at once constituted to try the case, and we may imagine the full-flavoured jests that are bandied about, becoming indeed a little wearisome.

Such customs were not confined merely to the humbler classes. Take for instance an incident that happened at the charming court of Urbino, perhaps the most exquisite of all courts. On the morrow of her son's marriage, the Duchess dowager had the door of the bridal chamber flung open at dawn and approaching her daughter-in-law, who bashfully tried to hide under the bed-clothes, said to her: "Well now, my daughter, isn't it a fine thing to sleep with the men!" What a compliment from the queen of Platonism! No one after this will deny that marriage is everywhere stamped with the character of unredeemed prose.

"Woman, in my judgment, is the stumbling block in a man's career. To love a woman and yet do anything worth doing is very difficult, and the only way to escape being reduced by love to a life of idleness is to marry." There is nothing new in this reflection, put by Tolstoy into the mouth of one of his characters in *Anna Karenina*. Such was the theory of the Middle Age:—fatal love. The new-fledged husband was under no illusion in the matter: he had married to cure himself of love, or rather to have done with it for ever, to turn from woman and towards higher things; he would never have imagined any connection between his marital duties and his soul. First and

last, wedlock had no romance for him. Marriage was the worn and dusty highway of materialities.

Nor did the expectations of the young girls soar any higher. Marriage being a partnership to perpetuate a stock and beget children, the wife was naturally expected to accept without wincing the consequences of the contract. All around her she saw reminders of the high sacredness and dignity of her vocation; genealogical trees spread their vast ramifications over the walls. Wrote Montaigne: "Marriage is a holy and religious bond; and the pleasure a man hath of it should be a moderate, staid, and serious pleasure, and blent somewhat with severity."

On these lines the straight path was marked out: in regard to circumstances, neither revolt nor rapture; between the two partners, neither romantic love nor hate, but an amicable understanding, a little stiff perhaps, and wholly practical. The material ascendancy of man developed in him strange principles of egotism. It might be supposed that married women, handed over like so many sheep, would pitifully cry out against their sacrifice, while the husbands would be abundantly satisfied with the results of a deal effected at so little cost to themselves. But such was not the case. While the women seemed content, the husbands railed at marriage. Monogamy irritated them. Despite all possible precautions monogamy almost inevitably endows the wife with a certain influence. Polygamy alone, by virtue of the classic principle, *divide et impera*, can assure to the husband an undisputed authority.

With women we remark a resignation springing largely from the code of perfect realism by which their marriage was regulated. They find themselves face to face with a fact; what is done cannot be undone, nor can it be done over again. The transaction is completed: all that remains is to pay the price.

"Marriage," says Margaret of France, "should not admit of any objective either of pleasure or of self-interest: all the same, it is not a perfect state; let us be satisfied with wisely accepting it for what it is, a makeshift, but reputable."

The idea of marriage as a burden became so fashionable that the preachers, who at one time had ardently urged the severing of family ties as

inexorably demanded by religion, are now seen proclaiming from their pulpits with the same appeal to religion, a totally different doctrine and inculcating mortification of the flesh of quite a novel kind. We know that story of an excellent pharmacist of Pau (*Heptameron*, Tale 68) "who never had anything to do with his wife except in Holy Week, by way of penance." Even in remote country places it became the vogue to occupy separate rooms.

Bonaventure des Periers relates the amusing story of a physician of Paris, who, alleging high astrological reasons, never showed any amiability to his wife except on rainy days. The despairing lady at last hit upon a very simple expedient: every evening she had a tub of water emptied on the roof so as to produce the sound of a shower in the gutter-spout, and it rained every day. At this game the physician came off second-best and died; and his widow, who found herself very well off, was besieged with numerous offers. She incontinently sent all the physicians packing, then asked her other suitors if they were familiar with the moon and stars. Everyone thought it well to make solemn affirmation that he was, and received his *conge*. There was only one who was simple enough to confess that his science was limited to taking moon and stars to witness when he went to bed. He gained the day. (*Contes et Recreations*, Tale 95.)

Talking of physicians and astrologers. A real bond of friendship and brotherhood was in most cases established between the Renaissance lady and her doctor. It was a sort of domestic and personal intimacy. Women, as we all know, are greatly in need of a directing authority; they love also to be made much of, as certain doctors understood wonderfully well; like that doctor who never met a woman without attempting to worm out of her some confidences as to her health, and when someone expressed his astonishment, "Aha!" said he, wagging his head, "even well-corked bottles sometimes have cracks."

The doctor who won a lady's esteem became her friend. He would write to her asking how she was, and addressing her as "my sweet princess"; if he learnt of her illness, he flew to her; if she died, he mourned her. Such private friendships lent themselves only too well to scandal. Ill-natured

folk like Ronsard, Brantome, and others made doctors thir butt. Dolce amuses himself by relating the misadventure of a young husband, who, having confided to his physician his intense longing to become a father, was ere long lodging with the courts a complaint that he had too speedily obtained his wish. The public was always ready to laugh at stories of this kind.

An eminent, if not the foremost, place in the medicine of the schools was then held by astrology, to which the physicians, wise in their generation, owed a great part of their prestige. Most ladies of quality, at this time, were wonderfully credulous: their learning and scholarship, indeed, made them all the more so. Renée of France implored the aid of the stars. Margaret exclaimed: "The effects of the stars are felt in human bodies." One of their passions was to collect strange exotic recipes of any and every kind.

Catherine Sforza, statesman as she was, spent hours in a private laboratory, receiving a Jewess who had brought her a universal salve, or verifying formulas for a celestial water, a cer-brine made of the marrow of an ass, a magnet intended to compose family squabbles, and a thousand other prescriptions of like virtue. At the very moment of going to war Catherine did not forget to write an order for the jars she needed for her experiments. Nevertheless, in all these strings of formulas, often so puerile, we detect more than a collector's mania: we cannot but see in them the thirst for the unknown—an attempt to pierce the impenetrable. This effort, it may be admitted, was not very scientific. But was that of the most highly accredited physician any more so?

To come back, however, to woman's position in the home. Legally and theoretically of course, the husband was head of the household: nothing struck men as more grotesque than a husband suspected of having allowed his wife to get the upper hand. What was the wife but the principal servant? She only addressed her master with the most profound respect. "Sir," she would say to him, or "my good friend". She was his wife and subject; if she wrote to him she signed, "Your humble, obedient handmaid and friend". The husband, on the other hand, believed that the best way to speak to a woman is with a stick in hand. The stick! that is the only argument women

understand:

Bon Cheval, mauvais cheval, vent l'esperon,
Bonne femme, mauvaise femme, vent le baston.
A woman, a dog, and a walnut tree,
The more you beat them, the better they be.

The authority of the husband was often coupled with the tyranny of the mother-in-law, the husband's mother, especially if she was a widow, rendering life horribly galling and difficult. And then there were the laxities of the husband, practised sometimes in broad daylight, under his own roof. In Italy, for example, men of the world had a sure and simple custom, which consisted merely in buying a young slave-girl. In the market of Venice, a pretty Russian, a fair Circassian, a well-built Tartar girl between twenty-five and thirty years of age would fetch from six to eighty-seven ducats. The mother of Carlo de Medici was a lovely Circassian girl, purchased in this way by the grave and aesthetic Cosimo. It would never have occurred to a wife to desert her home for such a grievance as this; to do so would have made her a general laughing stock.

And yet, in spite of all these handicaps, women during the Renaissance did manage to convert marriage into a tolerable routine. Being very often intellectually superior to their husbands they were quick to discover ways of slipping the male yoke. They reconciled themselves to obedience, so long as they did not obey. No one is so likely to play a puppet's part as the man who fancies he is the Monarch of all he surveys. The foolish fellow is so convinced of his superiority that he never perceives the slender cords by which he is led. One circumstance contributed to give the women great importance in conugal life: the dowries they brought with them. This was particularly so in Italy.

The Visconti and the Sforza by means of dowries, which were by all accounts colossal, got their daughters into the principal royal houses of Europe. Even a woman of the lower middle class as a rule received a dowry of two or three thousand florins, which yielded an income of at least a hundred and fifty florins. No Italian was at all loth to marry a woman who brought

him a dowry large enough to live on.

Thus it came about, that a very large number of women during the Renaissance no longer suffered themselves to be snuffed out, "trodden under foot," to use the current phrase. As to the manner in which their controlling influence showed itself, that depended on events, tastes, how the wind blew, circumstances. In humble homes the wife continued perforce to cook, to make the beds, to wash her husband's head and feet, with no loss of dignity. But in the great houses, it was no longer common to find hard inelegant matrons who rose with the sun. It is much more delightful to float through life with a smile on the lips, and to govern imperceptibly, by means of a languorous creole grace. Such grace abounded, and many instances of it might be given. Here is a specimen which seems to me characteristic; it is a simple little note from Isabella D'Este to her husband and dictated to a secretary:

"My Lord,

Prithee mock not at my letter, nor say that all women are poor things and ever smitten with fear, for the malignity of others far exceedeth my fear and your lordship's mettle. I should have written this letter with my own hand, but it is so hot that, if it last, we are like to die. The little knave is very well and sendeth a kiss to your lordship, and as for me, I do ever commend myself to you.

Longing to see your lordship,

Isabella, with my own hand."

Mantua, July 23rd.

"With my own hand," the signature and no more. It is so hot! But does not this very air of fragility convey a charm exactly of the kind to subjugate even a husband?

Women, one and all, defended the institution of marriage, and very seldom wanted to lose their husbands, either through divorce or death. To get rid of their husbands—ah! that was a different matter. It was realised that the best way of getting rid of a husband was to keep him. There was no substantial advantage in being widows. But if the husband did die, how did the Renaissance woman behave?

There were quiet women like Anne of France who contented themselves with the celebration of a very impressive service, and to all appearance shed

no tears. The only mourning that appealed to her was simple, silent, and lasting. But the general practice was to cry profusely. More than once people were staggered at the quantity of tears women's eyes could contain. "Vainly do they tear their cheeks and dishevel their hair," says Montaigne (Book ii. chap. 35). "I go off and enquire of a chambermaid or of a secretary how they were, how they lived together. We would much rather they laughed at our death, if they would but smile on us while we live."

A Spanish lady, the Countess of Consentana, in officially notifying her vassals of the death of her husband, signed herself "the sad and unfortunate countess," and the better to indicate her distress, she dropped two ink-blots where her name should have come. The facetious vassals replied to their "sad and more than very unfortunate countess" in an address which, in their agitation, they all signed with enormous daubs and flourishes.

A widow left nothing undone to show how much she deplored her solitary condition. She even went a step further. Almost every widow strove earnestly to regard her husband as alive. Vittoria Colonna never ceased to address sonnets to her deceased husband, and when she was urged to marry again, her reply was simple: "My husband Ferdinand, who to you seems dead, is not dead to me." Diana of Poitiers manipulated this principle of "beyond the grave" with wonderful dexterity: She never was a widow! Her husband was dead, to be sure, but she displayed as her device an evergreen tree-stem springing from a tomb, with the words: "Left alone, she lives in him." As late as 1558, at the moment of her greatest worldly triumphs, she remained faithful to him.

Such an attitude was not merely restricted to women who were happy in their married life. A woman whose married life had notoriously been one of discreet indifference, if not of discord, would spend her nights and days in celebrating the glory and the memory of the dead man.

A woman of the world, so to speak, had her husband's soul packed in straw, like her china, and in principle she always considered herself as a wife, acting always under his shadow.

This was not always hypocrisy. It sprang, on the contrary, from woman's acceptance of marriage as something essential, in spite of its many

ills. The Renaissance woman was essentially of fine grain, and well versed in everything it was her business to know. She was a woman of absolute sincerity, and we must believe her when she speaks well of marriage. She had no more reason to give up marriage than to give up eating and drinking: it is not this that enchains the soul.

After they had accomplished, unostentatiously, devotedly, the mission for which men married them, namely kept the house in order, loyally studied the master's comfort, poulticed and physicked him, borne him children—after all this, they still felt there was time enough to cultivate the graces, the embroideries of life, as they were called.

There was, to begin with, a woman's obligation to practise the feminine art, and this art was called charm. The elements that were considered to go to the making of charm were, some physical some intellectual. Take first the physical. It was a general rule of the Renaissance that the physical charm of a woman springs entirely from whatever accentuates her feminine, arch-feminine character. Thus it must above all express the completest, most absolute sweetness. For a long time this characteristic sweetness appeared to spring from gracefulness of form and feature: a face of aristocratic oval; a swan neck, a wasp waist; in short a general effect of reed-like slightness and fragility. The colour of the hair and eyebrows always appeared a characteristic factor in a woman's expression; without fair hair there was no charm. In all probability the Dukes of Burgundy, when they created the order of the Golden Fleece, were thinking rather of the charming women with heads like a golden harvest-field than the exploits of Jason. It is impossible to imagine Botticelli crowning spring with black, or Raphael representing his virgins as goddesses of night. The blonde had it all her own way.

There was even greater unanimity in favour of a soft complexion of creamy white. All men, whatever their nationality, whether idealists or not, poets and aesthetes, dandies, elegant or melancholy men—united in praise of the charm and sweetness of the lily and the rose.

As for the eyes, they were considered the very fount of charm; by their aid heart is linked with heart in exquisite communings, in them the soul

ranges the whole compass of its utterance. The Italians were particularly fond of speaking eyes, black, velvety, dreamy or deep; the French, while by no means insensible to the charm of languorous creole eyes, much preferred eyes full of animation and intelligence, and these were usually of a light grey or brownish colour. A French girl of piquant expression and mobile features, all sparkle from eyes to lips, was the top of admiration. Such are the few summary notions of charm from the physical point of view, to which women could look for inspiration and to the cultivation of which they could devote their leisure. Even women genuinely platonic used their physical beauty as first means of developing their charm. Apart from any sort of notion of coquetry, it was of the greatest importance to a woman, from a mere sentiment of her duty and her mission, never to be forty; the theory of charm would not have been complete without the addition of the science of never growing old. Many means were employed to achieve this object of almost always remaining young. Aromatic baths and massages of all kinds were some of them; the dressing room became like a universal factory of pinch-beck. The care of the complexion, and especially of the hands, naturally took some time to begin with. A delicate little touch with the brush on the face is quietly given, but it demands wonderful skill: it is nothing, and it is all.

The honest art of dressing played an important part. The theory of dress in the sixteenth century was that women should make their clothing expressive of their own individuality, render their garments in some sort living and personal, and not with mere vulgar coquetry, copy and wear the costume that may be seen trailing in any street. In other words, the Renaissance woman had the courage to indulge an individual taste in dress, showing that she had a soul above her tailor. In the case of a really well-dressed woman it is not necessary to puzzle out the real person under the tasteless guise of a vulgar fashion-plate, cut from a price list and flung over the shoulders. Everyone should make her dress a palpable expression of her life and joy, like the flowers and birds and fruits. There is no woman so poor that she cannot, if she wishes, rise above her wretchedness by means of external symbols. Such at least was the opinion of the sixteenth-century women.

The fashion in regard to dwelling-house and furniture followed almost the same rules as that of costume; for in a well-ordered house everything harmonised with the people inhabiting it. The house is, so to speak, a magnificent garment, the garment defending our existence against the weather, the night, the intrusions of external life. A house is pleasing when its appearance is original and homogeneous; when its inhabitant has lovingly put into it something of his or her own individuality, when it is not merely a regular arrangement of stones erected on some vacant spot. In other words, the house should exercise a charm. And it can do so if it has one particular feminine quality: an aspect of pleasantness, an appearance of amiability. The house, whatever it be, must smile, with a frank and loyal smile. In the interior, to furnish it, that is to say, to render it habitable, all smiles and happy memories—this again is to enlarge oneself, to complete oneself: and it is here that woman's art is absolutely indispensable. It was in this direction that the fine taste of Renaissance women gave itself free and glorious scope. Lovers of the beautiful, as they were, they saw to it that everything about them was the manifestation of some flash of thought! How diplomatically Isabella of Mantua went to work to surround herself with splend'ed objects! What care Vittoria Colonna took in the mere ordering of a Casket! They appreciated equally the charm of collecting antiques, diamonds, pictures, pottery, plate; the sole desideratum was that the object of their quest should be beautiful, the expression of an artistic idea, that it should add to the attic charm of life, play its part in the cultivation of taste; in a word, that it should be loved.

It was the task of women to transfigure everything. Take the most elementary of all things, eating. Nothing is more material in itself, and nothing better lends itself to spiritualisation. It is women who taught men that dining is a spiritual function. We might say that during the Renaissance the table became idealised. Much thought was devoted to its decorations to regaling the eyes with the sight of beautiful birds in their charming many-hued plumage—peacocks, storks, or small and pret'y birds strung on skewers. The mistress of the house showed her art in having the daintiest courses served on gold and crystal—things which while tickling the palate contented

the mind; first dessert, composed of fruits and sweetmeats, then compounds of eggs or fish, light dishes, in which pistachios, pepper, ginger, rosemary, thyme, peppermint—everything that had sweetness or aroma insinuated itself and figured in manifold combinations. And then, as in Plato's Symposium the guests and the hosts took their places at table not merely to eat but to talk, because conversation can have no warmer, more cheerful, more restful setting. The lady of the house presided; she set the pitch; there was a cross-fire of witticisms flashing over the table like fireworks, or else wit fluttered lightly about amid a subdued hum of laughter. Margaret of France writes enthusiastically about those dinners at which they used to "fill themselves with words more than with meat". In Italy, in addition to conversation, music was employed to support the dinner.

These then were some of the activities which reconciled women to marriage and to life. But there were others too; some harmless, others pleasant in themselves, but liable to abuses. For example, there was the custom of kissing. Well-bred men in every European country used respectfully to kiss a lady's hand. Entering a lady's house, a man would kiss her hands; and to recall to mind a first presentation the graceful formula frequently employed was: "the first time I kissed her hands".

The Ital'ans did so with fervour; if required they would have kissed the feet; and a man had to be a German to stigmatise as idolatry the kiss applied to the toes of the Pope! Italian women disported with this kissing with a perfect grace and all sorts of little refinements. At a casual meeting they confined themselves to a pleasant handshake; but *tête-à-tête* with a man they wished to honour, they would be the first to kiss his hand, fondly, and without any affectations of bashfulness. It was a charming and very natural custom; but in France it took quite another complexion. The having to greet or take leave of an agreeable woman was sufficient pretext for kissing her lips, and the motive they alleged for this proceeding was that it struck them as being "amiable and sweet". In the ballroom it was another story; every dance-figure ended in a kiss, and if we must add that it was complicated with wild, and giddy horse-play, it must be remembered that a French ball was racy of the soil. Like a genuine Frenchman, Lou's XII, felt it his

duty at Bernardina Visconti's ball to kiss one after another all the ladies presented to him, in other words, every woman in Lombardy.

Love of nature provided still another pastime, but not untamed nature expressing itself in vast horizons, in a display of wild vigour. On the contrary, the more supple nature became—the more docile, urbane, almost affectionate—the better she answered their expectations. A beautiful sunny day, the flowers which scent the air, the glistening, rippling, soothing sea, the birds bursting with sap and life, the trees artistically shaped, hanging their sombre drapery behind statues, charming walks winding or disappearing among labyrinths of laurel, thyme, and rosemary, a cascade leaping lightly and with musical bickering from a tiny artificial rock, and speeding away swiftly but noiselessly into the miniature presentment of well-known meadow—this was the nature they loved, nature methodised.

And lastly there were their intellectual resources. Castiglione tells us, "woman must nourish herself on the life of the world and the life of the arts; she must occupy herself with literature, music, painting, dancing and entertaining". The intellectual provision of the Renaissance women consisted chiefly of impressions of art, in accordance with Castiglione's prescription. In this painting held the lowest rank, on the principle universally accepted in the platonic world that the less an art needs the co-operation of the senses to touch the soul, the greater is its excellence. Music stood higher than painting because it directly transmits an impression. Poetry was the supreme art, the truly aristocratic thing. The poet with one stroke paints soul and body; in Ronsard's words, "he paints in the heavens".

Books played a prominent part in the psychology of the Renaissance. They were regarded as the highest type of luxury; a house was characterised as much by its library as by its plate. Among the ladies, Anne of Brittany, Louise of Savoy, and many others are essentially deserving of the name of Bibliophiles, nobly loving the beautiful books with beautiful miniatures produced for them. They were even accused of reading them. An eager desire for knowledge possessed the entire sixteenth century. The quick and supple intellect of the women was carried away in the general current. Erudition was the passion of the age, not that cold and micro-

scopic erudition which rises in ages of decadence, and which is often only the useless lumber of scholastic pedantry, but an erudition living, intelligent, and animated—animated that is by aestheticism.

All sorts of books were read—books of the hour and books of all time. Treatises on history and on practical medicine; Petrarch, Boccaccio, Ovid, nearly all the classics, the old Romances, the early fathers, the philosophers, and the moralists. Among contemporaries, the most popular was Castiglione's *The Courtier*. To name Castiglione is to name the Bible of Platonism, the code of aestheticism, the Machiaveli of anti-machiavelism; Castiglione was in the hands of every woman who meditated on the ideal. What was the philosophy behind all this reading, this erudition? Just this: a growing recognition on the part of the Renaissance woman that there is no need to be always a maiden of twelve. True sweetness, true goodness, true love come, not of ignorance or feebleness, but of intelligence and personal force.

STATE AND RELIGION DURING THE TURKISH EMPIRE OF DELHI

YAR MUHAMMAD KHAN

The rise and fall of five dynasties, namely, the Mamelukes (1210-1290 A.C.); the Khaljis (1290-1320 A.C.); the Tughluqs or the Qarauna Turks (1320-1414 A.C.); the Sayyids (1414-1451 A.C.) and the Lodis (1451-1526 A.C.); make the history of the Delhi Empire. The first three dynasties were Turkish in origin and they played an important part in establishing and strengthening Muslim rule in the Indo-Pakistan sub-continent.

The character of the Delhi Empire has often been misunderstood. It has been termed as theocracy or military oligarchic state. In western theocracy a priestly class enforces laws, whereas in Islam there is no priesthood. Islam does not confine the working of government to a particular group or class but to the Muslims at large who run the government in the light of the Quran and the *Shari'at*. A modern critic would name it as "theo-democracy," because Muslims have been given limited sovereignty, the ultimate sovereignty resting with God. The executive, legislative, and judicial authorities are established by the Muslims within the framework of the *Shari'at*.

There is no word in the Quran corresponding to the term "state" as it is understood in the modern political science. In the Quran one finds directions for the establishment of a politico-social order that has its ultimate sanction in the Will of God. Muhammad, the Prophet of God, was merely, so at least the Muslims believe, the mouth-piece of God's Will and his call to the people around him was in obedience to the Will of God. The obligation to obey this call stems from the belief enjoined by Islam that man is created to do God's Will and in obedience to His laws he finds the fulfilment of his destiny!¹

The institution of government is necessary for the welfare of human

1. A. K. Brohi, *Fundamental Law of Pakistan*, Karachi, 1958 pp. 754-5.

beings. According to a *Hadith*: *إِنَّ اللَّهَ لَا يَزَعُ بِالسُّلْطَانِ مَا لَا يَزَعُ بِالْقُرْآنِ*
i.e.

God checks through governmental authority what He has not checked through the Quran.

There is no provision for a monarchy in Islam; hence the institution of Sultanate is *illegal*. Some Sultans like Iltutmish, Muhammad bin Tughluq, and Firuz Shah obtained a *manshoor* from the Khalifah and ruled as the deputy of the reigning Khalifah, but the fact remains that kingship was not legally justified.

Later jurists like al-Mawardi (975-1058 A.C.) and Imam Ghazzali (1058-1111 A.C.) have attempted to justify kingship on account of political expediency. The word "Sultan" is of frequent occurrence in the Quran, most often with the meaning of a moral authority supported by proofs or miracles which afford the right to make this *Sultan* from Allah (xiv; 11), the idolators are often invited to produce a Sultan in support of their beliefs. The words "Sultan", "Sultanah", "Sultanah", "Sultaniya", "Sallathum" and "Yasallit" have been repeated many times in the Quran to mean spiritual power, argument, sovereignty, or force.² In the literature on *Hadith* and Arabic, Sultan has exclusively the sense of power, usually governmental power ("the Sultan is the Wali for him who has no other Wali"-al-Tirmizi).³ But the word also means, sometimes, the power of Allah سلطان (i.e. governmental power is the shadow of Allah on earth). Utbi quotes this tradition and his commentator al-Yamini says that it was transmitted by al-Tirmizi and according to others it goes back to Ibn Umar. This tradition later played a part in the theories of the Sultanate because an allusion to the title was wrongly seen in it. The Abbasid caliph, al-Mansur, took the title of Sultan Allah.

It is difficult to ascertain the period when the meaning of Sultan from purely impersonal representative of a political power to a personal title was taken. According to Ibn Khaldun, Jafar Barmaki was called Sultan because

2. Quran: VII, 71; X, 68; XI, 96; XII, 40; XIV, 22; XVII, 65; XXII, 71.

he held the most powerful position in the state. The Saljuqs were the first for whom *Sultan* had become a regular title for a ruler. Tughril Beg Saljuq received from the Caliph in A.C. 1051 the title of al-Sultan Rukn-al-Dawla. Ibn Athir says that Mahmud of Ghazna obtained the title of Sultan from al-Qadir Billah, the Abbasid Caliph. Utbi is silent on the issue though he addresses Mahmud as al-Sultan.³ The first Ghaznawid ruler on whose coins the title of Sultan appears is Ibrahim (1053-1099). Khalil al-Zahiri says that only Caliph has the right to grant the title of Sultan.⁴

Zia-ud-Din Barani, the greatest political-philosopher of the Delhi Sultanate, remarks, "Kingship is the deputyship (*Niyabat*) and Vice regency (*Khilafat*) of God." Amir Khusrau calls a Sultan "the conqueror of the age," and "the shepherd of the people". From the study of *Fatawa-i-Jahandari* it appears that Barani's theory of kingship was based on Persian example. He says, "He who follows the Prophet's guidance and leadership in his mode of life and in his words and actions is said to be religious and has the benefit and good fortune of religion. But royal government, on the contrary, can only be carried on by following the policies of Khusrau Parwez and the great emperors of Iran. And whoever follows their policies and precedents and adopts their mode and manner of life will be able to attain to kingship and government; the people will be obedient to him and his orders will be executed."⁵ Stressing his view point Barani adds: "After the Pious Caliphate, the caliphs and kings of Islam were faced with two irreconcilable alternatives, both necessary for the religion and the state. If they followed the traditions of the Prophet and his mode of life, kingship and government would be impossible for them. On the other hand, if in their customs of sitting, standing, eating, dressing, and in their general mode of life they

3. C. W. Bosworth, *The Ghaznavids*, Edinburgh, 1963, p. 46: al-Qadir Billah gave Mahmud the titles of Wali Amir al-Muminin and Yamin al-Daula wa Amin al-Milla (999); Nizam-ud-Din (1013), and Kahf-ud Dawlah wa'l-Islam (Nov./Dec. 1026); Muhammad Nazim, *The Life and Times of Mahmud of Ghazna*, Cambridge, 1931, pp. 163-5.

4. *The Encyclopaedia of Islam*, Vol. IV, Part I, 1934, pp. 543-4.

5. Muhammad Habib and Mrs. Afsar Salim Khan, *The political Theory of the Delhi Sultanate*, New Delhi (n.d.), p. 39.

followed the policy of the Iranian Emperors, which breaks the headstrong, subdues rebels and is necessary for the execution of state-orders, it would be necessary to violate the traditions of the Prophet, which are the foundation and the basis of the Faith." According to our author, "prophethood is the perfection of religion and kingship is the perfection of worldly good fortune."⁶ However, there are examples when the Turkish Sultans of Delhi tried, with reservations, to rule according to the Shari'at.

The Uzbek and Mongol pressure in Central Asia forced the Turks to move towards an area which could easily be subdued. Thus India fell to the superior generalship of the Turks due to India's political weakness. On the other hand, the Turks had long submitted to the Persian code of life. From theories of kingship to names and nomenclature of institutions and officers, court etiquettes and army organisation, every detail of political organisation breathed the Persian atmosphere.⁷ The Sultans took pride in naming male members of their families after the fashion of Persian heroes like Bahram, Kaiqubad, Kaikhusrau, and Kaimuras and tried to introduce the social and political philosophy of the Sasanids in Indo-Muslim society. The administrative set-up of the early Turks was based on the Mongol and Tatar system. Below the central government was the old Hindu system of local government. The Indian Empire which the early Turkish Sultans inherited was a 'flimsy structure'. Unloved by the people and dependent on a Turkish oligarchy it had neither the material strength nor the moral prestige, the requisites of a permanent government.⁸ Though there was no legal check on Sultan's power, yet an armed rebellion or a *fatwa* issued by the jurists proved to be a great check on his power and influence. When the Mongols created havoc in Central Asia and the Arab world in the thirteenth century, India served as a place of refuge for the Muslim emigrants.

Religion played a dominant role in India. The Sultans of Delhi also

6. Ibid, p. 39.

7. K. A. Nizami, *Some Aspects of Religion and Politics in India during the Thirteenth Century*, Aligarh 1961, p. 92.

8. Muhammad Aziz Ahmad, *Political History and Institutions of the Early Turkish Empire of Delhi*, Lahore, 1949, p. 7.

found their strength in pleading the cause of religion. Sometimes they assumed the titles such as "Defender of the Faith", "Reviver of the Traditions of the Holy Prophet."⁹ Titles like "Nasir Amir-al-Muminin", "Saif-i-Khilafat", "Sayyid-us-Salatin", "Yamini-i-Khilafat Ullah" and "Qaseem Amir-al-Muminin" were conferred by the Caliph.¹⁰ The Sultan further justified his superiority on the Quranic verse:¹¹

اطيعوا الله واطيعوا الرسول واولى الامر منكم

i.e. "Obey God and obey the Prophet and those in authority amongst you."

Mystics and the State :

The Sultans of Delhi were Hanafites while the Shafites could be found in Southern and Western India. The Ulama and the Mashaikh played the second fiddle in medieval India. The state tried to have closer relations with them in order to win moral support of the Muslim community but never permitted them to interfere with the affairs of government. If religion is taken in its widest sense and not rigidly but as faculty of faith in man which, independent of all historical religions, enables him to apprehend the Infinite and direct his emotions and desires towards an ideal object, it is an important factor in the life of an individual. It is all the more significant in the case of rulers because they live by two morals; the moral of religion and the moral of state. This duality in their thought becomes all the more interesting when it expresses itself in their political conduct.¹²

There is no priesthood in Islam. It is for this reason that Muslim missionaries have come from the ranks of ordinary men who have pursued missionary work as a subsidiary activity; but the absence of a church has led to the lack of a planned missionary policy. Even the Sufis were not primarily

9. Zia-ud-Din Barani, *Tarikh-i-Firoz Shahi* Bib. Ind., Series Calcutta, 1862, p. 217; Mahdi Husain, *Tughluq Dynasty*, Calcutta, 1963, pp. 519-20; Minhaj Siraj, *Tabaqat-i-Nasiri* Bib. Ind., Series Calcutta, 1864, p. 165.

10. Shams Siraj Afif, *Tarikh-i-Firoz Shahi* Bib. Ind. Series, Calcutta, 1890, p. 275; Yahya bin Ahmad Sirhindi, *Tarikh-i-Mubarak Shahi*, Calcutta 1931, p. 126; Barani, op. cit., pp. 440-1; Minhaj Siraj, op. cit., p. 165.

11. IV, 59

12. Nizami, op. cit., p. 112.

concerned with the conversion of the non-Muslims. The missionary effort was taken as a part of their activities by some of the *Silsilahs*, but emphasis was laid on their spiritual discipline or on creating religious fervour among the Muslims.¹³

Sufism was firmly established by the time the Delhi Sultanate was founded in the sub-continent of Indo-Pakistan. In the beginning it was opposed by the jurists like Imam Bukhari and Muslim. However, later on, it was approved by Imam Ghazzali. During the eleventh and twelfth centuries there emerged many branches of Sufism: Chishtiyas, Suhrawardiyas, Qadiriya, Naqshbandiyas, Shattariyas, Firdausiyas¹⁴ and many others.

The Qadiriya Silsilah was founded by Shaikh Abdul Qadir Gilani (A. C. 1077-1166) but it did not reach India during the Sultanate period. The Chishtiya order was founded by Khwaja Abu Ishaq Shami and was introduced in India by Shaikh Muin-ud-Din Chishti who made Ajmer as his headquarters. Among the prominent successors of the saint are Shaikh Qutb-ud-Din Bakhtiyar Kaki, Shaikh Farid-ud-Din Ganj Shakr, Shaikh Nizam-ud-Din Auliya, Shaikh Naseer-ud-Din Chiragh-i-Dehli, and Shaikh Qutb-ud-Din Munawwar. As according to them some sources of income of the state were illegal they did not accept any office under the state. Moreover, they pleaded that artificial magnificence and splendour at the royal court were against the spirit of Islam. Hence the saints of this order would neither visit royal courts nor permit any king to visit them. But they did not discourage their followers in general to associate with kings or princes. The outstanding examples are those of Amir Khusrau and Zia-ud-Din Barani, who were ardent disciples of Nizam-ud-Din Auliya but were connected with the royal courts for long. The Chishtiyas compromised with non-Muslims.

The Suhrawardiya Silsilah was founded by Najib-ud-Din Abdul Qadir but it flourished through the efforts of the founder's nephew Shaikh Shihab-ud-Din Suhrawardi. In India it was introduced by Shaikh Baha-

13. I. H. Qureshi, *The Muslim Community of the Indo-Pakistan Sub-continent*. The Hague, 1962. p. 19.

14. S. M. Ikram, *Aab-i-Kausar*, Lahore, 1952, pp. 220-484; I. H. Quddusi, *Tazkirat-e-Sufiya-e-Panjab*, Karachi, 1962. pp. 97, 106-30, 293-300.

ud-Din Zakriya. The saints of this order were very rigid in their ideas and not ready to grant concessions to non-Muslims. The Suhrawardiyas accepted government jobs, attended courts and assisted the Sultans in their administration. They believed that their personal contacts will prove a check on the kings and thus would result in creating an Islamic atmosphere at the royal court. Some prominent saints of this *Silsilah* in India were: Shaikh Baha-ud-Din Zakriya, Sayyid Jalal-ud-Din Surkhposh; Makhdoom-i-Jahaniyan; Burhan-ud-Din Qutb-i-Alam; Shaikh Rukn-ud-Din Multani; Lal Shah Baz Qalandar Sayyid Salār Masud Ghazi and Shaikh Sharf-ud-Din Yahya Muneri.¹⁵ The Naqshbandi order founded by Khwaja Baha-ud-Din Naqshbandi did not reach the sub-continent during the Sultanate period.¹⁶

The Ulama and Mashaikh have commanded great respect throughout the history of Islam. They were respected both by the rulers and the people. Minhaj Siraj and Barani speak of two categories of Ulama—Ulama-i-Dunya and Ulama-i-Akhirat. Ulama-i-Dunya are those who run after worldly gains and interfere in the politics of the country. Both Minhaj Siraj and Barani fall in this category of "theologian-politicians". In the second category are those who sincerely devote their lives to religious pursuits and serve the cause of Islam. Ulama-i-Akhirat seldom accepted state jobs and if they did that was under special circumstances.

The Ulama-i-Dunya took active part in State politics and enjoyed great influence over political parties so much so that a king needed their support in the execution of his State policy or eliminating opposite groups. On his accession to the throne, Iltutmish was approached by a group of Ulama led by Qazi Wajih-ud-Din to inquire about his manumission. Before the Qazi could express his views, Iltutmish brought out his "Khat-i-Azadi" and showed it to the Ulama who returned satisfied.¹⁷ When Iltutmish ordered

15. Quddusi, op. cit., pp. 106-32, 173-216, 290-305; Sabah-ud-Din op. cit., pp. 89-105, 261-76; 350-93.

16. The Encyclopaedia of Islam Vol III, 1936. pp. 841-42. John A. Subhan: Sufism Its Saints and Shrines, Lucknow, 1938, pp. 189-90.

17. Ibn Battutah: Safar Namah-i-Ibn Battutah, Translated into Urdu by Raees Ahmad Jafari, Karachi 1961, p. 526.

Taj-ul-Mulk Mahmud, the Mushrif-ul-Mumalik in 1232 A.C. to draft a decree appointing Razia as his heir apparent, there was no opposition by the Ulama on religious grounds.¹⁸ When the Mongols occupied Lahore in 1241 and advanced towards Delhi, Sultan Muizz-ud-Din Bahram Shah ordered Qazi Minhaj Siraj to deliver discourses on the merit of *jihad* to enlist support for the Delhi army.¹⁹ No better example of the theologian-politician group could be offered than those who excused Kaiqubad from saying his daily prayers and keeping fasts in Ramazan.²⁰ Similarly, the Ulama of the same category approved of the accession of Khusrau Khan, who had mercilessly slaughtered his patron Sultan Qutb-ud-Din Mubarak Shah and other princes of the Khalji dynasty.²¹

Regarding the personal character of Sultan Iltutmish, Qazi Minhaj Siraj says that he excelled all Delhi Sultans in kind feelings and respect towards the learned, the ecclesiasts and the divines. He was a just, benevolent, impartial and zealous king.²² He was decidedly the greatest sovereign of the Early Turkish Empire of India. He said his daily prayers regularly and, when in Delhi, attended Jami Masjid for his Friday prayers.²³ Mufti Ghulam Sarwar writes in *Khazinat-ul-Asfiya* that though Iltutmish was a king yet he was a *darwesh* at heart and respected mystics and divines.²⁴ Iltutmish's court was adorned by the Ulama and Mashaikh who were emigrants from Central Asia. Shaikh Baha-ud-Din Zakriya, Shaikh-ul-Islam-i-Hind and Khwaja Qutb-ud-Din Bakhtiyar Kaki and Shaikh-ush-Shayukh Farid-ud-Din were personal friends of the Sultan.²⁵ Shaikh Baha-ud-Din helped the Sultan against Qubacha. On the request of the Sultan the ecclesiasts served the

18. Minhaj Siraj, op. cit., pp. 185-6.

19. Ibid p. 195.

20. Barani, op. cit., p. 154.

21. Amir Khusrau *Tughlaq Namah*, ed., by Sayyid Hashmi Faridabadi, Aurangabad 1933 pp. 21, 23. Abdul Qadir Badayuni, *Muntakhab-ut-Tawarikh* Vol. I, Calcutta, 1869, pp. 216-7.

22. Minhaj Siraj, op. cit., pp. 165-6.

23. Muhammad Aziz Ahmad, op. cit., pp. 155-6. Nizam ud-Din Ahmad, *Tabaqat-i-Akbari*, Vol. I, 1911, Calcutta, p. 63.

24. Ghulam Sarwar: *Khazinat-ul-Asfiya*, p. 276.

25. Amir Khurd, pp. 60-1.

state. Shaikh Nur-ud-Din Mubarak Ghaznavi was Shaikh-ul-Islam-i-Dehli. Qazi Hameed-ud-Din Nagori and Jalal-ud-Din Tabrizi were other prominent religious leaders with whom Iltutmish had cordial relations. He spent ten million rupees on religious works.²⁶ Iltutmish's buildings exhibit his religious bent of mind. Jami Masjid at Badaun, Madrasah-i-Nasiriya, Auliya Masjid, Masjid of Dada Hamid and Hauz-i-Shamsi are the famous buildings of his time.²⁷

Sultan Nasir-ud-Din Mahmud was very religious-minded. All contemporary as well as later chronicles speak of his piety. Qazi Minhaj Siraj praises his humility, purity, forbearance and his regard for mystics and darweshs.²⁸ Amir Khusrau says in *Qiran-us-Sadian* that the Sultan was a king of angelic temperament.²⁹ Barani also speaks highly of his gentleness.³⁰ Nizam-ud-Din Ahmad Bakhshi, the author of *Tabaqat-i-Akbari*, says that he transcribed two copies of the Quran every year.³¹ Ibn Battutah saw one such copy in Delhi.³² The name of the copy-writer was not disclosed lest the buyer might pay more out of reverence for him. He is the only Sultan of the Early Turkish Empire who did not draw money from the Bait-ul-Mal for his personal use.³³ Minhaj Siraj, Barani, Isami and Firishta wrote that Nasir-ud-Din Mahmud had close relations with the Ulama of his time. They were: Qutb-ud-Din Jamal-ud-Din Bustami, the Shaikhul Islam; Jalal-ud-Din Kashani, Qazi-i-Mumalik; Qazi Shams-ud-Din of Bahraich, Qazi

26. Minhaj Siraj, op. cit., p. 166; Sabah-ud-Din, op. cit. pp. 72-4, 85, 93, 94.

27. A: Fuhrer, *The Monumental Antiquities and Inscriptions in the N. W. Provinces Oudh*, pp. 20-22. Nizam-ud-Din Ahmad, op. cit., pp. 61-62 Percy Brown, *Indian Architecture* (The Islamic period) Bombay (N.D.) pp. 13-5.

28. Minhaj Siraj, op. cit., p. 207.

29. Amir Khusrau, *Qiran-us-Sadian*, Aligarh, 1918. p. 33.

30. Barani, op. cit., p. 26.

31. Nizam-ud-Din Ahmad, op. cit., p. 77; Barani, op. cit., p. 26.

32. Ibn Battutah, op. cit., p. 531.

33. Badayuni, op. cit., p. 90, Nizam-ud-Din Ahmad, op. cit., p. 77. The Sultan had one wife who once requested him to buy a "kaneez" for home work. He replied that he could not afford a "kaneez" from his pocket and the Bait-ul-Mal belonged to the Muslims; God will reward her for her labour on the Day of Resurrection.

Minhaj Siraj and Baba Farid Shakarganj. The un-Islamic aspects of state policy, if any, were all due to Balban who commanded real power and had made the Sultan a mere figure-head.

Sultan Ghiasud Din Balban was a wise and sagacious ruler endowed with rare virtues and talents. Before coming to the throne, he enjoyed convivial parties but after becoming king he was altogether a changed man. Barani says that he said his prayers regularly and expected the same from his sons. He dined with the Ulama and after Friday prayers visited the tombs of saints and used to meet theologians like Siraj-ud-Din, Qazi Sharf-ud-Din and Shaikh Burhan-ud-Din Balkhi.³⁴

Balban often spoke of two categories of the Ulama, Ulama-e-Dunya and Ulama-e-Akhirat. He used to say that the execution of the Shari'at should be entrusted to learned and God-fearing officers. Not only he but his officers should also do justice.³⁵ One might ask: did Balban really care for the Shari'at? His theory of kingship is in great contrast to his personal religious observations and administration. Whereas, on the one hand, he considers a king as a representative of God on earth and the heart of king as *Manzar-e-Rabbani* (manifestation of the glory of God),³⁶ on the other, he practises many un-Islamic things. For example, he considers members of the royal family the only rightful and legal heirs to the throne. Moreover, high birth and nobility were the only considerations for grant of any high job under him.³⁷ Merit was of no value to Balban whereas Islam insists on removing such barriers:

ان اكرمكم عند الله اتقاكم ان الله عليم خبير

[Whosoever is pious is nearer to God. Indeed God knows more].

Balban thinks that a king is *Zillillah*, and introduced court etiquette of Persian origin.³⁸ Despite all these weaknesses Balban respected the laws of the Shari'at as long as these did not curtail his political powers.

34. Barani, op. cit., p. 46; Badayuni, op. cit., p. 128; Firishta, *Tarikh-i-Firishta*, Lucknow, p. 76.

35. Barani, op. cit., p. 43.

36. Ibid., pp. 70-1.

37. Ibid., pp. 29, 37.

38. Ibid., pp. 70-1.

Many Ulama accepted state service under Balban. They were: Shaikh-ul-Islam-i-Shahr, Qutb-ud-Din; Sayyids of Kardaz, Kathel, Biyana and Badayun; Maulana Shams-ud-Din Khwarizmi, the Mustaufi-e-Mumalik, Malikul Umara Fakhr-ul-Din Kotwal, and Farid-ul-Haq Wad Din Maulana Kamal-ud-Din Zahid, the teacher of Nizam-ud-Din Auliya served under him.³⁹

According to Balban, kingly dignity and terror of authority contributed more than mere chastisement to the establishment of a strong and stable government. Barani records that the motive of all the harsh measures taken by Balban, as the Sultan himself said, was to crush the cruelties of the cruel and to see that every person was equal before law. The dignity of the state is based on the rule which makes the people obedient but does not allow the rich to accumulate wealth, which is the cause of rebellion.⁴⁰

Sultan Jalal-ud-Din Khalji was an old man when he ascended the throne. Regarding his personal character Barani remarks that he daily recited one *siparah* from the Quran and offered his prayers publicly.⁴¹ Capital punishment was pronounced strictly according to the Shari'at. Once on his own secret suggestion, the title of *السلطان مجاهد في سبيل الله* (i.e. the Sultan who is fighter in the path of God) was offered to him in the darbar. But he soon realised his mistake and refused to accept it on the plea, firstly, that the idea was initiated by him, and, secondly, that he fought all the battles not with the spirit of *Jihad* but to achieve wordly gains.⁴² The Sultan respected Shaikh Nizam-ud-Din Aluliya though the saint never granted an audience to him.⁴³ In fact, it was a confession of his weak generalship, though the Sultan gave the colour of his religious beliefs when he unsuccessfully withdrew from the siege of Ranthambhore on the plea that he considered an hair of a Muslim more valuable than ten such forts. He, therefore, could not afford the bloodshed of hundreds of Muslims for

39. Ibid., pp. 111-2, 115; Amir Khurd, op. cit., p. 106.

40. Barani, op. cit., p. 100.

41. Ibid., p. 193.

42. Ibid., pp. 196-7.

43. Ibid., p. 198; Amir Khurd, op. cit., pp. 134-5.

capturing a fort.⁴⁴

The reign of Sultan Ala-ud-Din Khalji is a significant period in the light of his personal religious beliefs and observations and his attitude towards the Ulama and Mashaikh. Barani, the orthodox historian-philosopher is the only contemporary writer who criticises Ala-ud-Din's religious policy. Barani like Sultan Balban did not like that low-born people should be appointed to high jobs, whereas Sultan Ala-ud-Din Khalji considered personal merit as the basic qualification for any appointment. Therefore, Barani's views are biased towards the Sultan. For examples, when he says that the Sultan never asked anybody's opinion with regard to his administration he is contradicting himself. The long discourse between Ala-ud-Din Khalji and Qazi Mughis-ud-Din on the administrative policies of the state given by Barani in his *Tarikh* proves his prejudice against the Sultan.⁴⁵ Writers like Amir Khusrau, who was a disciple of Shaikh Niazm-ud-Din Auliya, Amir Hasan Sijsi, Maulana Isami and Wasaff praise Ala-ud-Din's respect for religion. Amir Khusrau in his *matnavis* highly praises the Sultan for his efforts in the implementation of Shari'at and calls him the refuge of Muslim faith (دين پناه).⁴⁶ Maulana Shams-ud-Din-Turk, an Egyptian *Mubaddith*, placed the Sultan in the list of prophets due to his (i) suppression of Hindu rebels, (ii) cheapness of grain, (iii) ban on intoxicants and (iv) obedience of the subject to the king. When Ala-ud-Din came to know of the Maulana's departure without meeting him he felt aggrieved.⁴⁷

The *Tarikh-i-Firoz Shahi* gives an impression that "Ala-ud-Din was, if not irreligious, at least unreligious". But that is not true. Barani's remarks that the Sultan did not recite the Quran is true because he was not educated. The Sultan himself says that "I am illiterate except that I can reproduce : ⁴⁸ اَلْحَمْدُ لِلّٰهِ - قُلْ هُوَ اللّٰهُ - دَعَائِي قَنُوتِ وَاللَّحِيَّاتِ But he took pride

44. Barani, op. cit., p. 213.

45. Ibid., pp. 290-6.

46. Amir Khusrau : *Deval Rani*, Aligarh, pp. 17-18. *Khazain-ul-Futub*, Aligarh, p. 27; Isami *Futub-us-Salatin*, Agra, 1930, p. 569.

47. Barani, op. cit., p. 299.

48. Ibid., 296 These are parts of Prayers.

in being born in a Muslim family which was Muslim for many generations.⁴⁹ He never said Friday prayers but the fact remains that he never allowed any irreligious thing to be said or heard in his empire.⁵⁰ His titles, i.e. Yaminul Khilafat (Right Hand of Khalifa) and Nasir Amirul Mumin⁵¹ (Defender of the Faithful) testify to his respect for Islam.

The Sultan's idea of founding a new religion and subsequently dropping the scheme on the advice of Malik Ala-ul-Mulk Kotwal, who informed him that the founding a religion was the job of prophets and not of kings, proves that Ala-ud-Din was open to logic and respected his religion.⁵² How and why did such an idea creep into his mind? The answer could be found in the analysis of Sultan's mind and the circumstances of the period. He was an ambitious king who would not share his power with any persons or group. The religious classes had tremendous influence over the masses. He, therefore, perhaps wanted to become the religious as well as temporal head of his kingdom. A similar attempt was made at a later date by Emperor Akbar who partly succeeded in this objective. In the lust for political power, Ala-ud-Din would have thought that to dominate the religious beliefs of the people would be as easy as to achieve political power. He was misled by his lack of understanding of the true character of religion.

Ala-ud-Din's period was famous for the number of renowned Ulama in his Empire. Shaikh Nurul Haq, the author of *Zubdat-ut-Tawarikh* says, "So many Ulama have never been found in the reign of any other king and there is no possibility of such a great number in future".⁵³ Delhi had become a centre of Muslim culture and religious pursuits under Ala-ud-Din. The Ulama and Mashaikh, who were masters in Tafsir and jurisprudence, came to Delhi from Central Asia, Arab world and Turkey. Barani has given

49. Ibid., p. 295.

50. Ibid., pp. 138-9.

51. H. N. Wright, *The Coinage and Metrology of the Sultans of Delhi*, Delhi 1936, pp. 88-95.

52. Barani, op. cit., pp. 262-71.

53. Nurul Haq, *Zubdat-ut-Tawarikh* quoted by K. A. Nizami, in *Salatin-i-Delhi Ke Mazhab-i-Rajhanat*, Delhi 1958, pp. 226-7.

a list of forty-six famous religious leaders of his time. They include Qazi Fakhr-ud-Din Naqla, Qazi Mughisth-ud-Din, Maulana Ala-ud-Din Lahori, Maulana Shihab-ud-Din Multani and Maulana Jamal-ud-Din. The charge of Barani that Sultan Ala-ud-Din did not pay proper attention to them is wrong.⁵⁴ If the behaviour of the Sultan towards them would have been offensive or less respectful, how could they have stayed in Delhi for long? The Sultan enjoyed their company and benefitted from their advice.

Ala-ud-Din divorced religion from politics and for that he had good reasons. He used to say that religion had nothing to do with politics. The duty of the king was to administer the country whereas Shari'at was the concern of Qazis and Muftis.⁵⁵ The theologian-politicians used to interfere in the state policies in the past. A strong ruler like Ala-ud-Din would never allow such a practice. He was determined to decrease the power of *Ulama-i-Dunya*. In fact by doing so he rendered a great service to Islam. He made the *Ulama-i-Dunya* give up politics of the state and forced them to concentrate on religious pursuits. It is to be noted that this policy of Ala-ud-Din's was chiefly dictated by political expediency and not by any religious zeal. But at the same time he gave a patient hearing to criticism made about his administration. The Sultan asked Qazi Mughith-ud-Din to give his legal opinion on (i) his share of the wealth, which he collected from Dargir, (ii) treatment of the Hindus, (iii) royal expenditure and, (iv) court and harem life.⁵⁶ The Qazi was so much terrified before expressing his opinion that he thought that the hour of his death had come. He begged for leave to bid farewell to his family members. He feared that if he replied to those questions in the light of the Shari'at, the king might order his execution. If he told a lie to please the Sultan and next day his lie was detected he would be executed for not telling the truth. Given assurance of his life and property, the Qazi freely gave his opinion and disapproved of many of the state policies.⁵⁷ The advice of the Qazi had a profound affect on Ala-ud-Din who

54. Barani, op. cit., pp. 353-4.

55. Ibid., p. 289.

56. Ibid., pp. 282, 290-6.

57. Ibid., pp. 282, 289-96.

changes in his outlook. He put a ban on drinking, gambling, and uprooted brought some *Ibatiyahs*.⁵⁸ The Qazi was rewarded by Ala-ud-Din who told the former, "I know not, whether these laws are sanctioned by Shari'at or not but whatever I think good for the state, that I decree".⁵⁹

Ala-ud-Din had great faith in Nizam-ud-Din Auliya. Many members of the royal family including prince Khizr Khan, were disciples of the saint. Whenever Ala-ud-Din found himself in difficulty he craved for his blessings. When Delhi was besieged in 1303 by 120,000 Mongols under their leader Targhi, all access to the capital was closed by the invaders.⁶⁰ Again, when Ala-ud-Din did not hear any news from Malik Kafur who had gone to the South, for a long time, the Sultan on both the occasions requested Shaikh Nizam-ud-Din Auliya to pray to God for the success of the Delhi army. The Shaikh responded to the request of Ala-ud-Din.⁶¹ Shaikh Rukn-ud-Din Multani came twice to Delhi and on both, occasions, Ala-ud-Din went in advance for some distance to welcome the saint. Similarly Khwaja Muin-ud-Din enjoyed great respect but being a Chishti saint did not accept any state job. The Sultan repaired the Quwwatul Islam Mosque, built Alai Darwaza, Madarasa-i-Alai, Jamaat Khana Mosque at the Dargah of Shaikh Niaz-ud-Din Auliya, and mosques at Mathura, Baroch and Patan and tomb of Shaikh Farid.⁶²

Qutb-ud-Din Mubarak Khalji was a debauch.⁶³ He is the only Delhi Sultan who adopted the lofty titles of "Khalifatullah", and 'Khalifah-i-Rabbul

58. Ibid pp. 270-71, 284, 336; Firishta, op. cit., p. 109; I. H. Qureshi, *Administration of the Sultanate of Delhi*, Karachi, 1958, pp. 254-57. The Ibahtiyahs gathered at a fixed place at night where they ate food and drank intoxications. They made an image and bowed before it. They did many unlawful things; Firuz Shah, *Futub-i-Firuz Shabi* edited by Prof. S.A. Rashid, Aligarh, 1954, pp. 6, 7.

59. Barani, op. cit., pp. 295-6.

60. Ibid., p. 302.

61. Ibid., pp. 330-2.

62. Amir Khusrau, *Khazainul Futub*, op. cit., pp. 25-31. V. A. Smith, *A history of Fine Art in India and Ceylone*, Oxford, 1911, pp. 396-7; Percy Brown, op. cit., pp. 16-9.

63. Barani, op. cit., p. 382-6; 394-6. Yahya Sirhind, op. cit., pp. 22, 25.

Aalmin."⁶⁴ He was more inclined towards the Suhrawardiyas. His attitude towards Nizam-ud-Din Auliya was highly offensive. He even put a reward of one thousand *tankas* for the head of the saint.⁶⁵ "During the reign of Khusrau Khan," writes Barani, "Hinduism flourished so much so that it seemed as if Islam would disappear from Hindustan".⁶⁶

Sultan Ghiath-ud-Din Tughluq championed the cause of Islam and diminished the ever-increasing influence of the Hindus by capturing Khusrau Khan, the assassin of Qutb-ud-Din Mubarak Shah Khalji. Khusrau Khan was a Parwari Hindu, and, according to Barani and Amir Khusrau, Hindus dreamed of siezing political ascendancy during the short period of his reign.⁶⁷ The appeal made by Ghiath-ud-Din Tughluq to the governors—Amir Mughlati, Muhammad Shah, Bahram Aiba, Yaklakhi and Hoshang, the governors of Multan, Sivistan, Uchh, Samana, and Jalor, respectively, and Ainul Mulk Multani shows his intention of overthrowing Hindu influence.⁶⁸

Yahya bin Ahmad Sirhindi records the speech made by Ghias-ud-Din Tughluq before his Maliks and Amirs. He said: "The Hindus have captured the realm of Islam, and have destroyed the house of Ala-ud-Din. I now intend to take revenge for the wrongs done to that family. As you helped me in the past, I hope you would assist me this time too".⁶⁹ Some of the governors supported Ghiath-ud-Din in his retaliatory war.

The Sultan tells us that he took the title of Ghazi Malik after defeating Mongols thirty-eight times.⁷⁰ Regarding his personal life contemporary as well as later authorities record that he was a true Musalman, who kept fasts and said his prayers regularly.⁷¹ Due to his services for the cause of Islam

64. Nelson Wright op. cit., pp. 100-1.

65. Barani, op., cit., p. 396.

66. Ibid., p. 412.

67. Ibid pp. 390, 406-12.

68. Ibid., pp. 413-4; Firishta, op. cit., p. 124; Amir Khusrau *Tughluq Namah*, op. cit., p. 67; Yahy Sirhindi op., cit., pp. 88-90.

69. Yahya Sirhindi op. cit., p. 90.

70. Ibn Battutah op. cit., p. 554.

71. Barani op. cit., p. 442-3; Amir Khusrau, *Tughlaq Namah* op. cit., p. 14.

in India, he earned the titles of Hami-e-Islam; "Pusht Panah-i-Islam," "Shah-i-Dinparwar", and "Shah-i-Dinpanah".⁷²

He respected the learned and Mashaikh of Suhrawardiya order, particularly, Shaikh Ala-ud-Din Ajodhani, Shaikh Rukn-ud-Din Multani and Lal Shahbaz Qalandar. He granted lands and stipends to Ulama and Mashaikh. For reasons yet to be ascertained, Ghias-ud-Din Tughluq's relations with Shaikh Nizam-ud-Din Auliya were not good. When the Sultan was returning from his Tirhut expedition in the East, he ordered Nizam-ud-Din Auliya to leave Delhi before the royal arrival. The reply which the Shaikh gave to the Sultan, i.e. هنوز دهلی دور است 'Delhi is yet too far'⁷³ has become famous in the annals of Indian history. Ghiath-ud-Din Tughluq died accidentally at Afghanpur and could never reach his capital alive.

Sultan Muhammad bin Tughluq is the most controversial figure in medieval Indian history. He was the most learned of all the Delhi Sultans. Barani says, "If Aristotle, Nizam-ul-Mulk Tusi or Ahmad Hasan had been alive, they would have wondered at his statesmanship."⁷⁴ Barani regards him as Nimrod or Pharoah. Isami denounces him as Kafir, Zahhak, and Yazid, and urges a general revolt against him. Ibn Battutah also does not hold a good opinion of Muhammad bin Tughluq.

In order to have a fair view of Muhammad bin Tughluq, it would be necessary to examine the nature and character of the contemporary writers, who are so hostile to the Sultan.

Barani and Isami were orthodox Muslims. Muhammad bin Tughluq did not follow Islam blindly. He was opposed to *Taqlidi* (i.e. traditional) Islam. He wanted to probe into every aspect of religion and applied reason before putting into practice the dogmas of Islam. He appointed people purely on merit without dividing them into *razil* or *sharif* as Barani would like to do. Barani's pen is dipped in acid as Dr. Hardy has rightly pointed out when the former writes about the Sultan. Barani was a follower of Nizam-ud-Din Auliya and the relations of the Chishtiya saints were not

72. Barani, op. cit., pp. 441-3; Amir Khusrau, *Tughlaq Namah* op. cit. p. 14.

73. Yahya Sirhindi op. cit., p. 97

74. Barani, op. cit., p. 462.

good with Muhammad bin Tughluq. He was a *nadim* of the Sultan for more than seventeen years,⁷⁵ but was not given any official status. Muhammad bin Tughluq declined to abdicate when Barani advised him to do so. The Sultan did not allow the theologian-politicians, Barani being one of them, to interfere in state affairs. The views of Barani, therefore, are highly prejudicial with regard to Sultan Muhammad bin Tughluq. Similarly, Isami, the author of *Futubus Salatin* is also biased due to personal reasons. Malik Izz-ud-Din, an old man of ninety and maternal grandfather of Isami, died at Tilpat on his way to Deogir during the famous exodus of Muslims to Daulatabad.⁷⁶ Dejected and disappointed, Isami was suddenly called to the court of Sultan Ala-ud-Din Bahmani, the founder of the Bahmanid dynasty. Isami became court historian of Sultan Ala-ud-Din, who had rebelled against Muhammad bin Tughluq, seized his southern possessions and declared his independence. In these circumstances when Isami wrote his *Futubus Salatin* which was presented to the Bahmani Sultan his remarks on Muhammad bin Tughluq were bound to be hostile and offensive in order to justify the rebellion of his patron.

The third important source of information for this period is Ibn Battutah. He was made Qazi-i-Dehli by Muhammad bin Tughluq. The Moorish traveller knew only Arabic and thus could mix and converse with that group which knew Arabic, particularly the Ulama and Mashaikh. As some of the theologians were opposed to Sultan's policies, they, therefore, misrepresented Muhammad bin Tughluq to Ibn Battutah. Moreover, Muhammad bin Tughluq was Hanafite by faith, whereas Ibn Battutah was a Maliki. Once he was put under house arrest by Sultan's orders. He was shipwrecked in southern India on his way to China and lost everything. Whatever he narrated of the events of his travels of thirty-two years to Allama Ibn Jauzi in Morocco was from memory. It is, therefore, probable that his views regarding Muhammad bin Tughluq are biased and incorrect.

So far as the personal character of Muhammad bin Tughluq is concerned even his critics write that he said his daily prayers most regularly and ordered

75. Ibid., p. 504.

76. Ibid pp. 473-4.

that those who did not offer prayers in congregation be punished.⁷⁷ He kept fasts even during his illness and never touched any intoxicant throughout his life.⁷⁸ According to *Masalikul Absar* he could recite the Quran by heart and knew the *Hidaya* well.⁷⁹ Ibn Battutah writes that he often quoted the Quran when he advised his people.⁸⁰ His decisions were made in the light of Ahadith and the Quran. Barani says that the Sultan intended to go for Haj but could not do so because of the disturbed conditions in the country.⁸¹ The Sultan seemed to have been influenced by the teachings of Imam Ibn Taimiyya, who wrote against the self-styled Ulama and theologian politicians.

The significant thing of his reign is that, unlike other rulers, Muhammad bin Tughluq's quarrel was not with the Hindus but with his own co-religionists. In acknowledgment of his services to the cause of Islam he has been called Bayazid Bustami. He wanted to pool the services of the Ulama and Mashaikh under state guidance for the advancement of religion. He never wanted to dictate to the Ulama and Mashaikh or play the role of a *Mujaddid* as Barani would present him in his *Tarikh*.⁸² In fact, he never claimed to be a *Mujaddid*. Barani does not cite a single example when the Sultan had exercised the privilege of a *Mujaddid*. The sole aim of Muhammad bin Tughluq was that the Ulama and Mashaikh should co-operate with the programmes sponsored by the state to inculcate the true spirit of Islam among its followers. But the religious classes, particularly the Chistiyas, would not work under state guidance. The result was that the Sultan became furious and adopted a hostile attitude towards the opposing group.

The Sultan was a firm believer in الدين و الملك توأمان [religion and state are twins]. In this spirit he wanted the whole-hearted co-operation of

77. Ibid t., p. 460; Ibn Battutah, op. cit., pp. 565, 604.

78. Barani, op. cit., pp. 460, 524.

79. Al-Umari, *Masalikul Absar*, English translation by Otto Spies, Aligarh, p. 37.

80. Ibn Battutah, op. cit., p. 675.

81. Barani, op. cit., p. 522.

82. Ibid., pp. 459, 470-1.

all the religious classes. The working of so many different schools of thought independently would mean, according to the Sultan, "confusion in the State".

There were four groups of Ulama in his time. The first group confined itself to religious pursuits and religious writings. They included people like Maulana Ziya-ud-Din Nakhshabi and Mueen-ud-Din Umarani.⁸³ Himself a learned man, the Sultan did not disturb that group. The second group consisted of those politician-theologians whom Barani would call *مرتد صفتان کافر خو* [i.e. infidel-like apostates] and he admits that he himself was one of them. In order to obtain worldly gains, the members of this group supported every policy of the Sultan and confirmed his views.⁸⁴ They even brought some fabricated *Ahadith* of the Holy Prophet and tried to justify illegal actions of the administration. The third group opposed the Sultan and his schemes. The Multan rebellion is attributed to this group. The fourth group consisted of foreign Ulama who came from distant lands and were rewarded by the Sultan.⁸⁵ They included Maulana Naseer-ud-Din Waiz Tirmizi and Maulana Abdul Aziz Urdbeli. Shaikh Burhan-ud-Din was invited from Samarqand. The Sultan sent 10,000 rupees to Qazi Mujad-ud-Din Shirazi as a token of respect through Shaikhzada Damishki.⁸⁶

Al-Qalqashandi, a contemporary Syrian author, says: "Two hundred Faqihs always dined with the Sultan".⁸⁷ Al-Umari, the contemporary author of *Masalikul Absar*, records that the Sultan broke his fast in the company of Ulama in Ramazan".⁸⁸ The Sultan married his daughter to a descendant of Shaikh Hamid-ud-Din Nagori. Muhammad bin Tughluq resolved to make war on Taqlidi Islam, i.e. the Muslim orthodoxy, 'conventional usages not compatible with philosophy, and arrogant declarations of opinions in the domain of Islamic Law and Quranic sciences. Thus created a situation,

83. Nizami, *Mazhabi Rujhanat* p. 349-50.

84. Barani op. cit., pp. 466-97.

85. Al-Umari, op. cit., pp. 43-4; Ibn Battutah, op. cit., pp. 587-8.

86. Ibn Battutah, op. cit., pp. 587-8.

87. Al-Qalqashandi, *Subh-ul-Asha*, translated by Otto Spies, Aligarh, p. 72.

88. Al-Umari, op. cit., p. 38.

which the custodians of that orthodoxy *میراثین - متکلمین - مفتیان و فقہا* (i.e. traditionists, spokesmen, givers of religious decision and theologians) known as Ulama did not like and they became restive'. Some of them turned against the Sultan due to the concessions granted to the Hindus and Jains by him.

Though Muhammad bin Tughluq desired that the Ulama and Mashaikh should work under the state yet, he never forced or humiliated any learned man to do so. Many Ulama of the Suhrawardiya order served the state. Khwaja Karim-ud-Din Samarqandi was made Shaikh-ul-Islam of Satgaon. Shaikh Alim-ud-Din was appointed Shaikh-ul-Islam-i-Hind.

Barani was an orthodox Muslim and disliked Muhammad bin Tughluq's association with philosophers. He condemns the Sultan for his free association with Sa'd the logician, Ubaid the poet, Najm the rationalist and Maulana Aleem-ud-Din.⁸⁹ Isami says the Sultan mixed with Hindu Yogis, and discussed philosophy with them. Thus, according to him, the Sultan drifted away from Islam.⁹⁰

Barani accuses Muhammad bin Tughluq of granting high mansabs to low-born Muslims like Najaba, Aziz and Firoz, the barber. Similarly, the appointment of Piramali a Hindu to a high administrative job was resented. Regarding Piramali, Barani remarks:

*سفلہ ترین و رزالہ ترین سفلگان و رزالگان ہند و سند است*⁹¹

[i.e. He is the meanest of mean and vilest of vile in Hind and Sind].

In fact this is one of the most significant features of Muhammad bin Tughluq's administrative policy that he preferred merit over any other consideration, a policy aspect which both Barani and Isami would never permit.

It is wrong to conclude that Muhammad bin Tughluq deviated from Islam. No doubt, he passed through a stage of doubts but such a state comes in the lives of those who attain perfection. In his letter to the Abbasid caliph al-Mustakfi Billah in Egypt he expresses the state of scepticism through

89. Barani, op. cit., p. 465.

90. Isami, op. cit., p. 515.

91. Barani, op. cit., p. 505.

which he was passing. He writes "Since human beings are by nature in search of science, my soul too could have no rest without seeking knowledge. By chance I met a group of pseudo-philosophers. But by their teachings doubts sprang in my mind about the existence of the Creator, so I had to halt." The Sultan adds: "While I was afflicted with these sad meditations, a breeze of happiness came down on me from the sky where the wind of divine grace blows and I began to feel. By the grace of God the dazzling light of His bountiness shone over my heart and by dint of logical arguments and traditional proofs I acquired a firm belief in the fundamental principles of Islam, in the existence of the Creator, in the purity of His essence, and the glory of His attributes in such a decisive manner that no trace of doubt whatsoever remained. In my heart of hearts I believed in the oneness of God and believed also in the truth about the Holy Prophet, who is the medium between God and man for the guidance of human beings."⁹² As a matter of fact all the saints like Nizam-ud-Din Auliya, Maulana Jalal-ud-Din Rumi, Shah Waliullah, and others passed through such a state and eventually achieved the true light.

The inscriptions on his coins further confirms his belief in God, the Holy Prophet and the Quran:

- (i) *والله الغنى وانتم الفقراء* i.e. Allah is rich and you are poor.
- (ii) *حسبى ربي* i.e. Sufficient for me is my God.
- (iii) *محي سنن خاتم النبيين* i.e. Reviver of the traditions of the Holy Prophet, who is the Seal of the Prophets.
- (iv) *الملك والعظمة لله* i.e. Dominion and greatness are of God.
- (v) *من اطاع السلطان فقد اطاع الرحمن* i.e. He who obeys the Sultan obeys God.
- (vi) *اطيعوا الله واطيعوا الرسول واولى الامر منكم* i.e. Obey God and Obey the Prophet and those in authority amongst you.
- (vii) *اشهد ان لا اله الا الله واشهد ان محمدا عبده ورسوله*⁹³ i.e., I testify that

92. Mahdi Husain, op. cit., p. 275.

93. Wright, op. cit., pp. 116-54, Journal and Proceedings of the Asiatic Society of Bengal, 1921, New Series, Vol XVII, pp. 134, 136, 147-55; Edwards Thomas, The Chronicles of the Pathan Kings of Delhi, London, 1871, pp. 207-16. Wright, op. cit., 118, 121, 138-9, 143-4.

there is no god but God and that Muhammad is His servant and prophet.

In fact, Muhammad bin Tughluq rendered more service to Islam than any other king did in the medieval Indian history. He desired to make his empire an Islamic country in the true sense. He was eager to inculcate the spirit of Islam among the Muslims. It was for the first time that the state took the responsibility that the Muslims should say their prayers at proper times in the mosques and defaulters be punished. By making Daulatabad a second capital, he wanted to propagate Islam in the South.⁹⁴ He had realised that the Hindus of the South were not reconciled to the Delhi rule. They submitted to the Delhi Sultan as long as the northern army was stationed in the South. Once the Delhi army withdrew to the North, the Hindus of the South turned hostile and refused to acknowledge the Sultan. Unlike his predecessor Ala-ud-Din Khalji, he was not satisfied merely with political recognition but he wanted to establish a Muslim colony and Islamic culture in the South. If he succeeded in converting the Southern population to obedience, the possibility of rebellion would be reduced. To achieve this objective he devised the scheme of making Daulatabad as his second capital. He not only urged the Ulama to go to the South and preach Islam but, to encourage migration, he himself moved to the South. The Sultan used to address the Ulama before their departure for the South and explained the nature of the job. He told them that their going to the South was not less than a *jihad*.⁹⁵ The coins minted at Daulatabad bore words 'Dinpanah' 'Qubbah al-Islam' 'Badr-ul-Islam, and 'Darul Islam'.⁹⁶ Though his scheme failed due to non-co-operation of the Ulama and saints, yet its effects were far-reaching. The mosques and madrasas built during the short period of six or seven years and the tombs and graves about which Barani speaks of,

94. Barani, op. cit., pp. 473-4; Amir Khurd, op. cit., p. 271; Mahdi Husain, op. cit., pp. 145-70.

95. Amir Khurd op., cit., p. 271.

96. Journal of Asiatic Society of Bengal 1921, op. cit., pp. 132, 148, 150; Wright, op. cit., 113, 119, 128, 140, 145.

in fact, are the first cornerstones of Islamic civilisation in the South.⁹⁷

His efforts were confined not only to the South but extended to Kashmir as well. He told Maulana Shams-ud-Din Yahya to go to Kashmir to preach Islam.⁹⁸ He gave thousands of rupees to *khanqahs* and *maktabs* for the teaching of Muslim philosophy, Quran and *Hadith*. Al-Qalqashandi⁹⁹ says that there were 1000 Madrasas in Delhi and out of them only one was Shafi'ite and the remaining were Hanafite. The Sultan constructed and repaired tombs of Shaikh Nizam-ud-Din Auliya, Shaikh Rukn-ud-Din Multani and Shaikh Ala-ud-Din Ajhodani.

The last important king of the Tughluq dynasty is Sultan Firuz Shah. He has been described as a crowned sufi and referred to as "Naib-i-Rasul".¹⁰⁰ The contemporary author Afif places him amongst the *Auliya* and remarks that the Sultan bore the characteristics of prophets.¹⁰¹ Barani says that none except him amongst the Delhi Sultans had such deep faith in Islam and that he did his utmost to enforce the laws of Shari'at.¹⁰²

Afif records that Sultan Firuz read, Quran daily the particularly *Surah Kahf* on Friday mornings and *Surah Taha* on Friday evenings.¹⁰³ He took great interest in jurisprudence. *Fawa'id-i-Firuz Shahi* was written under his orders. Muhammad Atai dedicated his *Fatawa-i-Firuz Shahi*, a book on religion, to Sultan Firuz Shah. Firuz ordered that only the names of those Delhi Sultans through whose efforts India was captured should be read in the Khutba.¹⁰⁴ It is surprising, the list supplied by Afif does not included the names of Qutb-ud-Din Aibek, Razia, Ala-ud-Din Masud, Rukn-ud-Din, Muizz-ud-Din Bahram, and Kaiqubad.¹⁰⁵ Despite his religious mindedness, he never left drinking and his liking for music.

97. Barani, op. cit., p. 474.

98. Amir Khurd, op. cit., p. 288.

99. Al-Qalqashandi, op. cit., p. 29; al-Umari, op. cit., p. 39.

100. *Oriental College Magazine*, Lahore May, 1935, p. 130.

101. Shams Siraj Afif, *Tarikh-i-Firuz Shahi*, Calcutta 1891, pp. 95, 277.

102. Barani, op. cit., pp. 548-52; 560-1.

103. Afif, op. cit., p. 278.

104. Firuz Shah, op. cit., pp. 4-5.

105. Afif op. cit., pp. 106-7; 82-5.

Firuz's attitude towards religion and the ecclesiastics marks a great contrast to that of his predecessor. Firuz wanted to impress upon his subjects that he did not approve of the policy of Sultan Muhammad bin Tughluq.¹⁰⁶ He obtained a letter of apology from all those who were adversely affected by Muhammad bin Tughluq and buried it in the grave of the deceased Sultan.¹⁰⁷ By doing so he probably meant to dissociate himself from his predecessor's policy. He tried to revive the "Sufi order" which had got a setback during the reign of Muhammad bin Tughluq. He gave stipends to the descendants of Shaikh Farid-ud-Din Ganj Shakr, Shaikh Baha-ud-Din Zakriya, Shaikh Rukn-ud-Din Abul Fath and Shaikh Nizam-ud-Din Auliya. He visited tombs of both the Suhrawardiya and Chishtiyahs. He repaired the tombs of Sultan Muizz-ud-Din Sam, Sultan Rukn-ud-Din, Lal Shahbaz Qalandar, Sultan Jalal-ud-Din, Shaikh Nizam-ud-Din Auliya and built the tombs of Shaikh Naseer-ud-Din Chiragh-i-Dehli.¹⁰⁸

Sultan Firuz developed great respect and devotion for the Ulama and Mashaikh. He used to say, "Wherever I find a saint I go to him for his blessings".¹⁰⁹ According to Afif, Firuz was a disciple of Shaikh Ala-ud-Din Ajodhani. Both Shaikh Naseer-ud-Din Chiragh-i-Dehli and Shaikh Qutb-ud-Din Munawwar held the Sultan in high esteem and at the same time they boldly criticised his un-Islamic policies. The Sultan gave a warm reception to Makhdum-i-Jahanian, when the latter visited Delhi. The rebels Jam Juna and Bin Behniya were pardoned by the Sultan at the request of the saint.

The result of Firuz's attitude towards the religious classes was that he won the confidence and support of the group which had created difficulties for Muhammad bin Tughluq. He gave stipends worth thirty-six lakh *tankas* and distributed lands to the value of one crore *tankas* amongst the learned.¹¹⁰ The Ulama were employed in the Diwan-i-Shari'at headed by Sayyid Jalal-

106. Firuz, op. cit., p. 2.

107. Ibid., p. 16.

108. Ibid., pp. 12-14.

109. Ibid., p. 17.

110. Afif, op. cit., p. 179.

ud-Din Kirmani.

Some modern critics have described the reign of Firuz as theocratic. This is not so. So far as the administration of the country was concerned it was entirely in the hands of those who did not form the class of Ulama, except Khawaja Hissam-ud-Din Junaidi and Khawaja Maruf. But the Ulama and Mashaikh lent their support to Sultan Firuz whenever he asked for it. The Sultan had to seek help from Makhdoom-i-Jahanian in ordering political affairs in Sind.

In order to run his administration in accordance with the Shari'at, Firuz abolished inhuman punishments and remitted twenty-nine un-Islamic taxes mentioned in *Futuh-i-Firuz Shahi*.¹¹¹ The earlier Sultans kept four-fifth of the booty and gave one-fifth to soldiers. But Firuz changed the un-Islamic practice and started giving four-fifth to soldiers and kept only one-fifth as state share.¹¹² Water tax (Haqq-i-Sharb) was levied only after consulting the jurists, and was taken from lands irrigated by state canals.¹¹³ Firuz established thirty *madrassa* *has* where *Fiqh* jurisprudence and other subjects were taught.¹¹⁴ His buildings, particularly Jami Masjid and Masjid Firuzabad, Jamaat Khana and repairs of the tombs of earlier Sultans and saints testify to his respect for religion.¹¹⁵

The Delhi Sultanate and Khilafat :

The institution of Khilafat (meaning headship of the Muslim community) is not mentioned in the Quran, which is silent on the subject, and the Holy Prophet left no clear instructions as to the appointment of his successor. Still terms such as the "Khalifah" the "Imam" and others with similar meaning occur in the Quran.¹¹⁶ After the death of the Holy Prophet the Muslims selected Hazrat Abu Bakr who assumed the title of

111. Firuz Shah op. cit., pp. 2, 5

112. Ibid., p. 6.

113. Afif, op. cit., pp. 129-30.

114. Firuz, op. cit., pp. 11-2.

115. Ibid., pp. 12-5.

116. S. A. Q. Husaini, *The Constitution of the Arab Empire*, Lahore, 1954 p. 75; Arnold, *The Caliphate*, Oxford, 1924 p. 40 : al-Mamun, the Abbasid Caliph adopted the title of al-Imam.

Khalifat-ur-Rasul. He was also addressed as Amir-ul-Mumineen. Thus the institution of Khilafat came into being. In Islam, therefore there must always be a Khalifah, an actual and direct representative of the Master. There could only be one legal sovereign of the entire Muslim world. However, some jurists have permitted the existence of more than one Khalifah under political exigency.¹¹⁷ One can rule in the name of a Khalifah as his deputy. The Abbasid Khilafat at Baghdad was fast disintegrating by the time the Delhi Empire was established in Indo-Pakistan.

Among the Sultans of Delhi, Sultan Shams-ud-Din Iltutmish was the first Sultan who received the grant of a *manshoor* on 16, February 1229 from the Abbasid Caliph Mustansir Billah.¹¹⁸ Qazi Minhaj Siraj, the contemporary writer, is silent as to whether the Sultan requested the grant of the *manshoor* or the Khalifah sent it of his own accord.

But the account of Barani shows that there was exchange of envoys between Delhi and Baghdad before 1229 A.C.¹¹⁹ Under political circumstances through which Iltutmish was passing it is more logical to conclude that the Sultan would have requested for the grant of the *manshoor*. Moreover, the religious bent of mind of Iltutmish would have forced him to obtain the *manshoor* to legalise his sovereignty. No doubt, the *manshoor* made Iltutmish *de-jure* ruler of India, though his chief rivals Yildiz and Qubacha had been eliminated by force. To commemorate the occasion the name of the reigning Khalifah Mustansir Billah (1226-43) was inscribed on the coins.¹²⁰ The names of Nasar-ud-Din Allah (1179-1225) and Zahir-bi-Amarillah (1225-26) also found place on the Indian coins. Iltutmish was granted the titles of "Burhan Amir-ul-Nasir Amir-ul-Mumineen" and "Yamin Khilafat Ullah."

So much respect and devotion did the Delhi Sultans express to the caliphal

117. Q. D. Khan, *Al-Mawardi's Theory of State*, Lahore, p. 28.

118. Minhaj Siraj, op. cit., p. 174.

119. Barani, op. cit., p. 103.

120. Wright, op. cit., pp. 18, 20, 21. Badayuni, op. cit., p. 66, Thomas, op. cit., p. 46.

institution that the name of Mustasim Billah continued appearing on the Indian coins as late as the reign of Jalal-ud-Din Khalji (1290-95), long after the sack of Baghdad by Halaku in 1258. Sultan Balban called himself "Nasir Amir-ul-Mumin"¹²¹ and advised his son to obtain *manshoor* from the Khalifah.¹²² Amir Khusrau addressed Ala-ud-Din Khalji as Khalifah, though the Sultan never adopted that title.

Mubarak Shah Khalji (1316-20) is the only Delhi Sultan who adopted the title of "Khalifat Ullah."¹²³ It is to be noted that the word "Khalifah" lost its meaning as "Khalifatur Rasul" after 1258 and it was taken simply to mean a ruler. However, words like "Yamin-i-Khilafat" and "Nasir Amir-ul-Mumin" were inscribed on Qutb-ud-Din Khalji's coins before 1317 but afterwards lofty titles like "al-Imam-ul-Azam Khalifah Rabbul Alimin" were used on his coins and Delhi was taken as "Bait-ul-Khilafat" and "Darul Khilafat".¹²⁴

Obedience to the Khalifah had been emphasised by Muhammad bin Tughluq in his letter addressed to the Abbasid Caliph. The Sultan writes, "I believe that any state not founded on a legal base and truth is but crystallised infidelity, resulting in evil, and further that submission to the Imam of the time, even if the distance be as big as that of East and West, is incumbent upon a slave like ourselves who has fallen in the last row of Musalmans. I, therefore, considering the threat contained in the hadith:

من مات ولم يعرف امام زمانه مات ميتة جاهلية

["Whoever dies without recognising the Imam of his times (i.e. Khalifah) dies the death of a Kafir"] and the Quranic verse: يوم ندعوا كل اناس بامامهم: [On the Day of Judgment, We shall summon all the people along with their respective Imams] found myself drowned in the ocean of disgust and fallen into the remorse of erroneousness".¹²⁵ According to Muhammad bin Tughluq, "Whosoever does not bow his head in prostration before the Imam

121. Ibid., p. 58.

122. Barani, op. cit., p. 103.

123. Wright, op. cit., pp. 99, 101.

124. Ibid., pp. 96-101.

125. Mahdi Husain, op. cit., pp. 275-6.

and get his authority, the name of that accursed man must be cancelled from the roll of Islam".¹²⁶ He calls such persons as usurpers.

As soon as Muhammad bin Tughluq came to know of Khalifah al-Mustakfi Billah he communicated with him and issued coins in his name in the years 742, 743 and 744 A. H. The Sultan sent Haji Rajab Barqai to the Khalifah in Egypt in 744 A. H. for grant of a *manshoor*. Before the arrival of the Delhi envoy in Egypt al-Mustakfi Billah died and was succeeded by his son al-Hakim. Haji Saeed Sarsari, the envoy of al-Hakim (1342-52 A. C.) came to Delhi in 1343 with a *manshoor*, sword, footprints of the Holy Prophet, the Khil'at, the mantle of Caliphate, and the order of doctorhood. Mandates were received in this fashion year after year.¹²⁷

Both Barani and Ibn Battutah tell us that the Sultan went forth to meet him with great ceremony and walked in front of him barefooted. He bowed down and ceremoniously helped the ambassador to mount his horse with his own hands and held his stirrup.¹²⁸

From the above mentioned letter it can be concluded that the Sultan did not ask for the *manshoor* under any political pressure but was of the opinion that recognition by the Khalifah was an absolute necessity from the Shari'at view point. Even Barani his great critic, remarks that Muhammad bin Tughluq was convinced that sovereignty without the sanction of the Khalifah was illegal and that those who ruled without permission were usurpers and a modern critic has rightly observed that the Sultan was the first Pan-Islamist in India, who believed in the world of Islam as a composite totality, at the centre of which was the authority of Abbasid caliph.¹²⁹

Sultan Firuz Shah received investiture from the Khalifah in 1353 A. C. Afif, the court historian, says that whereas the *manshoor* was sent to

126. Ibid., op. cit., pp. 266-7.

127. Professor S. A. Rashid, article on Firuz Shah's Investiture by the caliph in *Medieval India Quarterly* Vol. I, Aligarh 1950, p. 69; Barani op. cit., pp. 492-5.

128. Ibn Battutah, op. cit., pp. 584-5; Barani, op. cit., 492, 495.

129. Barani, op. cit., pp. 491, 493; Aziz Ahmad, *Studies in Islamic culture in the Indian Environment*, Oxford, 1964, p. 8.

Muhammad bin Tughluq on his request, it was sent to Firuz Shah without any request due to Firuz's piety and respect for Islam.¹³⁰

The first *manshoor* was received in Delhi in 754/1353 from al-Mutazid Billah. Shaikh Shihab-ud-Din Samit brought the mandate. Firuz was given the title of Saif-ul-Khilafat, Qaseem Amir-ul-Momineen. The second *manshoor* sent by Muhammad Abu Bakr al-Mutawakkal Ali Allah in 764/1362 through Qazi Baha-ud-Din and Khawaja Kafur enhanced Firuz's prestige. It stated that whoever obeyed Sayyid-ul-Salatin (i.e. Firuz Shah) obeyed God and the Holy Prophet Muhammad and whoever disobeyed him, he disobeyed me, the Holy Prophet Muhammad and God. The Khalifah sent another mandate in 1264 to Firuz Shah confirming him over the throne of India. In 771/1369 Firuz received a *Waqf Namah* (statement of bequests) wherein the Sultan was recognised undisputed ruler of Hindustan. Copies of the *Waqf Namah* were distributed throughout the Empire.¹³¹

It could be concluded that the Delhi Sultans recognised the legal supremacy of the Khalifah over the entire Muslim world and asked for the *manshoor* to make their rule legal.

Hindus :

When the Umayyad Caliph Walid bin Abdul Malik permitted Muhammad bin Qasim to realise Jiziyah from the Buddhists and Hindus, he placed them in the category of *Mutashabihin* or *Mutashabih abl-i-Kitab*. In other words the non-Muslims in India were treated at par with the Zimmis. This position of the non-Muslims in India was also accepted by the Delhi Sultans. This is a hard fact that the Hindus never reconciled themselves with the Muslim rule and always thought of regaining their political ascendancy. The bulk of native population being Hindu, the Sultans of Delhi made some compromises with them. In the early days of their rule, the Delhi Sultans had to establish their distinctive power in religion, society, and culture. Naturally, they could not trust them with high jobs. However, later on, when the Hindus were pacified, they were appointed as state officials.

130. Afif, op. cit., p. 274; Professor Rashid, op. cit., pp. 69-70.

131. Firuz Shah, op. cit., p. 18; Professor Rashid, op. cit., pp. 69-70; Yahya Sirhindi, op. cit., p. 126.

When a group of orthodox jurists requested Iltutmish that he should treat Hindus on the line of '*Imma-al-Qatl wa Imma-al-Islam*,' i.e. since they are not Zimmis, they should either accept Islam or be slaughtered, the Sultan refused to act on the advice. Nizam-ul-Mulk Junaidi, the Wazir of Iltutmish, replied that the Muslims in India were like salt in bread. If a harsh policy was adopted towards the Hindus, it might result in confusion and constitute a threat to the Delhi Sultanate which was in its infancy then. However, after the establishment of a strong Muslim rule it would be possible to act sternly towards the Hindus.¹³²

Zia-ud-Din Barani, our main source for the history of the Sultanate period, was an orthodox Muslim. When he divides the Muslims into *Razil* and *Sharif* his views regarding Hindus are naturally prejudiced and it is difficult to vouch for the truth of his statements. In order to rationalise his attitude towards the Hindus, Barani selected a king, Sultan Mahmud, a saint, Nur-ud-Din Mubarak, or a theologian, Qazi Mughis-ud-Din to weave his own religious ideas round their utterances. While speaking this "speech of power," Barani has so blurred our historical perspective that it has become impossible for us to separate his own fads and fancies from historical facts and realities. It is safer, therefore, not to accept Barani as a spokesman of the viewpoint of the entire body of Ulama.

Of the four main schools of the Muslims, the Hanafites are the most liberal in their attitude towards the Hindus whereas the Shafi'ites are not prepared to grant any concession to them. Similarly, saints of the Chishtiya order were more compromising than the Suhrawardiyas, in their approach towards the non-Muslims.

The Sultans of Delhi fought against those Hindus who wielded political power. They did not harm the Hindu masses. The Hindus enjoyed their religious liberty and the Sultans never interfered with the personal religion of their subjects. If the early Turkish Sultans did not employ the Hindus to high jobs, it was not because of religious grounds but due to the fact that the Hindus could not be trusted for political reasons. Once the Hindu rajas

132. Barani, op. cit., pp. 290-1. Nizami, *Marhaba Rujhanat*, op. cit., p. 111.

submitted and they showed their willingness to work for the Sultanate, they were posted to responsible jobs.

The Sanskrit inscription found in Palam proves the prosperity and privileges enjoyed by the Hindus under Balban.¹³³ Sultan Jalal-ud-Din Khalji confessed his inability to wipe out infidelity from Hindustan by saying that the Hindus bathed in Jumna and took out their religious processions right under eyes without any fear.¹³⁴

A close study of the character of Sultan Ala-ud-Din Khalji shows that religious difference was not the reason of his suppressing the Hindus. The discourse between Qazi Mughis-ud-Din and Ala-ud-Din Khalji about the treatment of Hindus reveals that the Sultan was disturbed by the rebellious nature of his non-Muslim subjects. The Sultan was not against *kebuts* and *muqaddams* because they were rich but because they did not pay taxes like *keharaj*, *jiziyah*, *kari* and *charai*. K. S. Lall has rightly remarked on Ala-ud-Din's attitude. "If the bulk of the population of the country," writes he, "as well as most of the landholders and cultivators were Hindus, it was but natural that the Hindus would suffer most from his tariff and revenue regulations. If the kingdom Ala-ud-Din attacked belonged to the Hindu rajas, if at the time of warfare their Hindu subjects suffered and if the war indemnity taken from the vanquished Hindu princes was called *jiziyah* in official terminology, it was not at all due to the fact that Ala-ud-Din was a bigot. There is no instance to prove that Ala-ud-Din oppressed some people simply because they were Hindus".¹³⁵ Ala-ud-Din wanted to break the power of the nobility irrespective of their being Muslims or Hindus. His coins bear Sanskrit words.

The temples were destroyed only during war in order to demoralise the enemy or because they served as centres of rebellion. There is not a single instance of a temple being pulled down in peace time simply because it was a Hindu temple. If it happened, it could not be taken as the general policy of the Delhi Sultans. A fragment of a bilingual inscription in old Fort of

133. Thomas Edward, *Epigraphia Indo-Moslemica*, 1913-4, pp. 136-8.

134. Barani, op. cit., pp. 216-7.

135. K. S. Lall, *History of the Khaljis*, Allahabad, 1950, pp. 309-10.

Delhi records the endowment of twelve bighas of land to a temple dedicated to Sri Krishna by Kaiqubad. Thakur Phero's work on medieval temple architecture, *Vas Tusara*, written during the reign of Sultan Ala-ud-Din Khalji, does not make any reference to state interference in the construction of temples.

Amir Khusrau gives a long list of Hindu notables who fought on the side of Ghias-ud-Din Tughluq against Khusrau Khan. Barani, a representative of orthodoxy, highly disapproves of Muhammad bin Tughluq's free association with the Hindu Yogis and concessions granted to the Hindu community at large. Two Sanskrit inscriptions of the years 1327 and 1328 tend to prove that the Hindus enjoyed prosperity under Muhammad bin Tughluq. The first inscription of the Vikrama year 1384/1327 A. C. records the foundation of a well by Sridhara, a Brahman, at Nadayana in modern New Delhi area. Ten verses of the inscription explain the favourable circumstances in which the Hindus of Delhi lived under the Sultan. The second inscription of the Vikrama year 1384/1328 A.C. was found in Sarban village, south of New Delhi. It testifies to the happy life of Hindu merchants dwelling in Agrotaka, its principal member being Sri Schadevan.¹³⁶ Commenting on Muhammad bin Tughluq's keen interest in Hindu philosophy, Isami remarks that the Sultan "came nearer to infidelity and drifted away from Islam".¹³⁷ Barani censures the Sultan for giving high jobs to the Hindus such as Piramali, Kishu, and others. Muhammad bin Tughluq was interested in the Sanskrit language. He named a town in Oudh as Swargdawari. There were one thousand poets at his court writing on Arabic, Persian, and Sanskrit languages.¹³⁸ During the campaign of Nagarkot, he left the temple of Jawala Mukhi unmolested.¹³⁹ The Sultan appointed Ratan, a Hindu, as Governor of Sind. That the Hindus enjoyed full freedom under the Muslim kings, is proved by the account of Ibn Battutah, a great critic of Muhammad bin Tughluq. He writes that a Hindu filed a case at

136. *Catalogue of the Delhi Museum of Archaeology*, p. 29.

137. Isami, op. cit., p. 515.

138. Al-Umari, op. cit., p. 32, Ibn Battutah op. cit., p. 611.

139. Badayuni, op. cit., p. 249; Nizam-ud-Din Ahmed, op. cit., p. 233.

the court of a Qazi against the Sultan. The Qazi summoned the Sultan who accepted the decision given against him and paid the penalty.¹⁴⁰

Sultan Firuz Shah has been charged by modern writers for having adopted a harsh policy towards the Hindus. It is an admitted fact that he wanted to run his administration according to the Shari'at and the Shari'at does not permit anyone to act brutally or inhumanly or to humiliate the followers of other religions. He being a Muslim ruler had every right to propagate Islam in his Empire peacefully and to deal with non-Muslims as permitted by Islamic laws. The Shari'at does not approve of any use of force or oppression against the non-Muslims merely on religious grounds. The Quran clearly says لا اكره في الدين [There is no compulsion in religion].

It is evident from *Tarikh-i-Firuz Shahi* by Afif that Raes, Thakurs, Shahus, Mahants, and Pandits enjoyed great respect and prosperity in Delhi under Sultan Firuz. They were so rich in horses, cattle, corn, and other necessities of life that there hardly was any place left in their houses to stock more.¹⁴¹ The Sultan had a great liking for Sanskrit and ancient sciences. He brought 1300 books of Sanskrit from the temple of Jawala Mukhi and some of them were ordered to be translated into Persian.¹⁴² A work on astronomy, in Sanskrit, was translated into Persian by Abdul Aziz Khalid Khani who named it *Dalail Firuz Khani*. In order to preserve ancient culture, he brought Asoka's Pillar from Meerut and installed it in Delhi.¹⁴³ Firuz Shah takes pride in preaching Islam to Hindus and states in his *Futubat-i-Firuz Shahi* "when I declared that converts will be exempted from Jiziyah hundreds and thousands accepted Islam".¹⁴⁴ Some temples were of course destroyed during the campaigns of Jaj Nagar and Nagarkot. But once peace was restored there was no more destruction. The Shari'at does not sanction the construction of any new temple by non-Muslims. The complaint made by Firuz Shah of the construction of temples by Hindus and idol-worshippers

140. Ibn Battuah, op. cit., p. 603.

141. Afif op. cit. p. 280; Barani op. cit; p. 554.

142. Firuz Shah, op. cit., p. 9; Barani, op. cit., p. 554, 595.

143. Badayuni, op. cit., p. 249; Nizam-ud-Din Ahmad, op. cit., p. 233.

144. Firuz Shah, op. cit., pp. 16-7.

during his reign¹⁴⁵ goes a long way to prove that, despite Firuz's so-called religious bigotry, the non-Muslims continued building new temples and enjoyed full religious freedom.

Firuz Shah was the first Delhi Sultan who imposed Jiziyah on the Brahmans. They had been exempted so far by the earlier Sultans for being religious preachers.¹⁴⁶ But by the passage of time, the Brahmans had left their religious activities and started taking part in active politics and subversive activities against the state. Firuz would call them "keys of the doors of idolatry". Thus the Brahmans forfeited their privileges as a purely religious class. With the consultation of Muslim jurists Firuz imposed Jiziyah on the Brahmans. They protested against its imposition but Firuz Shah remained firm in his decision.¹⁴⁷

It can be concluded that the Hindus paid Jiziya, enjoyed full religious freedom, built new temples, and were taken into administration. Only the Hindu rajas or raes who wielded political power lost their social status, otherwise the rank and file of the Hindu community enjoyed freedom under the Sultans of Delhi.

145. Ibid., p. 9-10.

146. Afif, op. cit., p. 382

147. Ibid., pp 382-3

HISTORICAL PERSPECTIVES OF TURKISH BUREAUCRACY

SHAUKAT ALI

Image of the Past :

From its inception under Osman I (A.D. 1281-1325), the Ottoman Sultanate was an administrative state. The earlier period of the new dynasty was primarily devoted to conquests and consolidation, touching its highest water-mark under Mohammed II (1451-81) when after conquering Constantinople, Turkish armies penetrated almost into the heart of Eastern Europe. Mohammed, who worked tirelessly for the territorial expansion of the Empire, is also credited with the establishment of an administrative machinery which continued almost unchanged till the nineteenth century when administrative reforms were introduced under Mahmud II (1809-39) and Abdul Majid (1839-61). It was, however, under Sulaiman the Magnificent (1520-66) that the Ottoman administration reached the apex of its historical growth. His administration was unquestionably one of the best of his times. It was due to his benevolence, law and order, administrative efficiency, security of life and property that the Christian population of their own free will preferred to live under Turkish rule than that of their Venetian masters.

The affairs of the state and the entire policy-making of the realm was located in the imperial *divan*, which was presided over by the Sultan himself. The permanent members of the *divan* used to be three or more viziers, one of whom was designated as grand vizier, who was invested with the supreme power under the signet of the Sultan. As a commander of the armies his title was *Serdar-i-ekrem* (generalissimo). The viziers were known as *Kubbe Vezirleri* (viziers of the dome) because of the architectural shape of the place where they used to meet. The kingdom was divided into *vilayets* (provinces) each headed by a *pasha* (governor) generally called by the title of *beylerbeyi*. The provinces were divided into *sanjaks* each headed by a junior pashra called *sanjakbeyi*. The *sanjaks* in turn were divided into *Kazas*, each under the jurisdiction of a *Kadi*.

During the seventeenth century, however, there were considerable changes in the administrative practices of the central administration. Sultan Mehmed IV changed the seat of authority from Instabul to Edirne and the energetic Grand Vizier Koprulus initiated many changes in the working of the central machinery of government. In 1654 the official residence of the Grand Vizier was designated as *Pasha Kapsi*, the Pashas' Gate, popularly known as Bab-i-Ali the Sublime Porte. This eventually became the centre of gravity for all governmental activities. There was no regular system for the meeting of the ministers, but whenever the affairs of the state necessitated, civil, military, and religious chiefs used to meet under the presidency of the Grand Vizier to frame policies for the proper conduct of the matters pertaining to all aspects of national life.¹

Tanzimat:

After reaching the apex of its territorial expansion and administrative efficiency under Sulaiman the Magnificent, there had been gradual decline in the political and administrative solidarity of the Empire. Dynastic feuds, malpractices of fuedal lords, accompanied by the constant intervention of the European Powers, made Turkey a cockpit of political confusion and maladministration. It was in these circumstances that in the thirties of the last century, under the enlightened leadership of Sultan Mahmud II, and due to the deep and sincere concern of the handful of Turkish statesmen that an elaborate and concrete programme of reforms in the country was initiated which is known as *Tanzimat*. In essence this movement was an outcome of the growing impact of Western civilisation upon the mind of the enlightened and educated elite of the country. They were particularly impressed by the ideas of the French Revolution, embodied in the bewitching concepts of nationalism and democracy. Halide Edib says, "The Tanzimatists took up democracy. Their hearts rang in passionate response to the declaration of the Rights of Man."²

1. Bernard Lewis, *The Emergence of Modern Turkey*, London, Oxford University Press, 1961, pp. 365-66.

2. Cited in M. Mazheruddin Siddiqi, *Development of Islamic State and Society*, Lahore, Institute of Islamic Culture, 1956, p. 244.

Mustafa Resid Pasha, Ali Pasha and Fuad Pasha, are considered to be the chief architects of Tanzimat. They helped the reformative Sultan Mahmud II to initiate reforms which left a permanent mark on the later developments in Turkey. Constitutionalism, spread of the rule of law, triumph of science, and realisation of the significance of education as decisive factors for the uplift of the masses were some of the pivotal ideas which the Tanzimatists tried to actualise through governmental policies. Since in this article, primary concern is with the bureaucracy, I will confine my analysis to administrative reforms only.

Sultan Mahmud II first turned his attention to the highly differentiated nature of the power structures in the country. All power centres deriving authority from inheritance, tradition, usage, and localism were suppressed. Centralisation of sovereign authority was, in his opinion, the first prerequisite for rehabilitating the damages which had been done to the country by a long period of disorder and misrule. To accomplish this it was equally essential to do something about the officialdom which was the sole instrument for the implementation of reforms. Turkish officers had long suffered from career incertitudes and confiscation of property. Bernard Lewis has summed up Sultan Mahmud II's action in this matter in the following words:

Mahmud tried to improve the status of his civil officials, and to raise their standards both of proficiency and of honesty. In June 1826, two weeks after the destruction of the Janissaries, he issued a Hatt-i-Serif abolishing the office of Confiscation and Escheat and renouncing some of the previous revisionary rights of the treasury to heirless property and to the property of persons banished or condemned to death. This measure was no doubt costly to the treasury: it did however give to civil servants and indeed to others a measure of security of life and property such as they had not known before and greatly facilitated the transaction of both public and private business.³

These reforms revitalised the services in the country and Turkish bureaucracy became an efficient instrument for the implementation of executive policies.

Changes of similar significance were introduced in the composition and working of the Sublime Porte, the chief executive arm of the government. Between 1836 and 1838 the Sultan established Western style ministries at the

3. Bernard Lewis, op. cit., p. 88.

center, a process which was continued by his successors with limited success. In 1839 a Ministry of Works was set up to improve trade, agriculture, and economic conditions of the country. In 1857 the Ministry of Education was constituted to minimise the role of religious classes in the education of the masses. In 1870 law and order was handed over to the newly constituted Ministry of Police, the work which was formerly entrusted to the Commander-in-Chief. In 1879 the Ministry of Justice took over the direction of the new courts and judiciary in the country.⁴

Salient Features of Turkish Bureaucracy During the 19th Century :

As has been noticed earlier, that Ottoman state was administrative in nature, and the Sultans governed their vast Empire through a well-organised and bureaucratised administrative structure. But it was during the nineteenth century that the cross-fertilisation with Western ideas, and to meet growing needs of the state and society, generated by successive political, social, and educational reforms, foundations of the present-day Civil Service were laid in Turkey.

It was during this period that the term *mulkiya*, which roughly means "civilian," came into general vogue in the country. The term was used for the civil servants of both the central and provincial governments. The two other branches of the government, military and religious, were known as *askeriya* and *ilmeye*, respectively. Sultan Mahmud II had established the Department of Internal Affairs in 1836 which was called *mulkiya*. The nomenclature of the department was changed into *dabilye* in 1837, but the term *mulkiye* continued to denote all servants of state who were not employed in the military and religious departments.

These administrative reforms, however, entailed considerable problems, foremost of them being those of recruitment, maintenance of morale, and professional stability of the services. Between 1833 and 1846 several ordinances were passed which laid down ranks, procedures, titles, and honours for the reorganised services. Ranks were attached to the offices and not to the officers. These reforms, however, failed to resolve the crucial problem

4. Ibid., pp. 366-67.

of recruitment. During the latter half of the nineteenth century secularised education did facilitate the recruitment of career civil servants, but the inadequacy of the supply of competent personnel remained the basic inability of Turkish Civil Service. A memorandum written by Cavdet Pasha to the Grand Vazier in 1872 provides an index to the gravity of the situation and shows deep concern about the modernisation of the services.

If we are still deficient as regards judicial officials, we are even more deficient as regards executive officials, and are growing daily more so. It is an urgent necessity to expand the *mulkiye* school in accordance with the time and situation, to arrange the programme of studies correspondingly, to employ the graduates progressively in important posts, and thus to train competent administrative officials. Our immediate obligation is to take care to choose and employ those who are already fairly experienced and thus put the state administration on the right path. If we give up finding jobs for men, and instead make it our policy to find men for jobs, then it is certain that within a short time officials capable of administering the country will emerge.⁵

The ideas contained in the above memorandum were deemed to be too revolutionary, as such recruitment policies of the government remained more or less unchanged. Patronage remained the only way of entry in the services. Young men were recruited on the recommendation of some well-placed relative or some other dignitary. Fresh entrant was subjected to a period of apprenticeship and training, after which he was generally destined for a rank and higher salary. Pay was low but the social prestige of the services was very high. The remuneration of the government servants was determined by the *Barcm* (an inflexible statutory salary plan) which classified all officials into categories on the basis of seniority, and each category had uniform salary base. The computation of the salaries was done when prices in the country were stable.⁶

Under the renovating impact of Tanzimat, and the centralisation of governmental machinery, the Ottoman bureaucracy had become very strong. With the passage of time the increased bureaucratisation generated considerable socio-political reactions which became a seed-plot of movement for

5. Cited, *ibid.*, p. 368.

6. Kemal H. Karpat, *Turkey's Politics*, Princeton, Princeton University Press, 1959, p. 129.

constitutionalism during the last decades of the nineteenth century. In this case there is a close resemblance between the Ottoman Empire and the West, where, according to Carl J. Friedrich, constitutionalism "developed as a system of controls imposed upon a vigorous bureaucracy."⁷ Serif Mardin supports this contention by quoting an observation of a Polish emigre, who embraced Islam and was granted the title of Pasha, published in 1869. It states, "Our constitution was not and shall not have any other goal than the replacement of the exclusive action of the bureaucrats by one exerted in concert with a national institution."⁸

Tanzimatist bureaucracy also showed in abundance those typical traits which are generally associated with bureaucratic elitism. Its members equipped with the knowledge of Western languages, and desire for Europeanisation, worked with undiminished zeal. They arrogated to themselves the custody of public interest, and believed that all their decisions and policies were oriented towards the ultimate good of Turkey. The bureaucrats spoke from a superior vantage point of knowledge and public interest and outdistanced the traditional Ottoman elite, whose misdeeds in their opinion had been responsible for administrative inefficiency, economic backwardness and political bankruptcy of Turkey at the beginning of the nineteenth century. Serif Mardin has summed up this characteristic of Tanzimatist bureaucracy in the following words:

The public servants to whom this task (*Europeanization*) was entrusted were now in a position of being able to justify every one of their moves with the rationalization that it was necessary for Turkey. Their knowledge of the Western languages, on the other hand, gave them a weapon which in many respects was similar to that held by the specialized technocrats of our age. The indications are that they used this privileged position with little regard for the population at large and that they felt superior to all other classes in the empire.⁹

7. Carl J. Friedrich, *Constitutional Government and Democracy Theory and Practice in Europe and America*, Boston, Ginn and Company, 1950, p. 57.

8. Cited in Serif Mardin, *The Genesis of Young Ottoman Thought, A Study in the Modernization of Turkish Political Ideas*, Princeton, Princeton University Press, 1962, p. 120.

9. *Ibid.*, 120-21.

There is, however, nothing to decry about these bureaucratic traits of Tanzimatist bureaucracy, because they are rooted universally among all bureaucratized structures. The Ottoman civil services of the Tanzimat period produced statesmen and reformers of the rank of Zia Pasha and Namek Kemal, whose vision and wisdom left lasting imprints upon the later currents of reforms and constitutionalism during the second half of the nineteenth century.

After 1839 the institution of escheat was brought to an end. Under this practice the fortunes of the high-ranking civil servants were sequestered by the government on their death, and the money reverted to the governmental coffers. The Mughal rulers over the Indo-Pakistan sub-continent had followed exactly the same policy with regard to their top employees (*mansabdars*). The practice most probably was meant to facilitate "the circulation of authority". It was further tended "to keep up the efficiency of the government by extinguishing a parasite class living on hereditary wealth and forcing everybody to go through a struggle for the survival of the fittest".¹⁰ In the absence of organised procedures for sifting and sorting administrative talent on the basis of merit, escheat was considered the only contrivance to give everybody a chance to compete openly for entry and promotion in the administrative hierarchy. Serif Mardin is of the opinion that the abolition of escheat, without providing any alternate arrangement for the circulation of wealth and authority did not prove to be an unmixed blessing. It made bureaucracy a class by itself. In order to support this view of the nineteenth-century Ottoman bureaucracy after Tanzimat, Mardin has quoted the following impressions of a contemporary writer Franz Von Werner:

The world of Ottoman state servants constitutes a closed society. . . . The Bureaucracy is not any more primarily recruited as in earlier times from the entire Empire but much more from narrower circles of civil service families to which the Christians being a sizable contingent. . . . The son of the Government

10. Sir Jadunath Sarkar, *Mughal Administration*, Calcutta, M. C. Sarkar and Sons, 1963, pp. 155-56.

employee naturally steps again into the service of the state. Entrance and success are made easier through the connexions of the father.¹¹

The sudden changes in the bureaucratic procedures under the impact of Tanzimat revolution created another psychological phenomenon within the administration. Since the reformers had not been able to formulate any definite policy of recruitments and promotion, and patronage remained the only criterion for entry into service, a permanent gulf was created between the upper and middle ranks. Changes envisaged by the Tanzimat were supposed to provide equality of opportunity for all Turks, but this was not reflected in the administration. Thus the employees in the middle ranks suffered from a psychological frustration which universally emerges whenever there is a "rise in the level of expectations".¹² Frederick Millingen, a contemporary European observer, confirms the superiority of the new bureaucratic elite called *Kiatibs* in erudition, knowledge, and mastery of administrative routine. It was from this corps of bureaucrats that great Efendis, bureau chiefs, ministers, governors, ambassadors, and imperial commissioners were selected.¹³ Thus the bureaucracy of this era had become a big power centre in the Empire.

During the earlier period of Ottoman history, "men of the sword" and "the doctors of Islamic law" were guardians and articulators of public interest and initiators of policies which encompassed the welfare of the people.

The Tanzimat period lasted from 1839 to 1876.¹⁴ During this period another administrative problem, which is universally the same in all administrative states, and which consumed much of the time of the Turkish reformers of the day was that of centralisation or decentralisation. In autocratic political systems the question of decentralisation always becomes paradoxical. Many parts of the realm were separated by long distances from the seat of authority, as such constant supervision of the central government

11. Cited in Serif Mardin, op. cit., p. 122.

12. Ibid., p. 122.

13. Ibid., p. 112.

14. Necmi Osten, "The Administrative Organization of Turkey," *The Asiatic Review*, Vol. XXXVIII, No. 136, October 1942, p. 206.

was impossible. Thus vast prerogatives and discretionary powers were handed over to the provincial and regional administrators; but at the same time it was deemed inescapable that the actions of provincial administrators should be subjected to continuous vigilance. A situation like this can be explained by an expression, "centralised decentralisation". The institution of *satrapy* in pre-Islamic Iran can be cited as a pertinent example of this type of administration. The Tanzimatist reformers were genuinely interested to emulate Western ideas of constitutionalism and administration, but in view of geographical and social-political difficulties the programme could not be implemented in the spirit with which it had been initiated.

In 1864 the *Teskili Vilayet Nizamnamesi* (or the system of the organisation of Vilayets) was instituted. The law enjoined upon *valis* (prefects) to refer all matters to the central government. The law also envisaged popular participation in administration, and *vilayets* in a way were given the status of local self-governing bodies. According to Necmi Osten, reforms meant to introduce decentralisation increased centralisation in administration.¹⁵ In 1875 the law called *Idaru Nevahi Nizamnamesi* (governing district administration), was passed which established an assembly elected by the people in each district. These assemblies were called *Nabiye Maclisi* and *Nabiye Mudiri*. This law was not operative uniformly in all parts of the country, but continued to be in force until the proclamation of the Republic. The Turkish administration continued to work in the above spirit during the last phase of the Ottoman Empire. The foreign pressures, rise of militant nationalism among the minorities of the Empire, and failure of the Sultans incapacitated the administration to keep the state on even keel.

Republican Era :

The disasters of World War I had very adverse effect upon the political stability and national integrity of Turkey. The Empire was dismembered and distributed as spoils of war among the victors. Within Turkey itself politics and administration had collapsed and affairs of the state were in a sad and depressing condition. In these circumstances Mustafa Kemal Pasha

15. Ibid., p. 408.

Ataturk emerged on the scene as a great saviour of the country, and it was due to his dynamic and enlightened leadership that Turkey moved towards modernisation. It saw the regeneration of the nation, and earned for Ataturk a place of eminence among the great nation-builders of our times. On 29 October 1923, Turkey was proclaimed a republic and Ataturk was elected the first President. His genius was all-embracing, but in this article the analysis is confined to the description and evaluation of his administrative reforms only. Before the abolition of the Sultanate, however, on 20 January 1921, the Grand National Assembly of Turkey passed the Law of the Fundamental Organisations—the first Organic Statute of nationalist Turkey which later became the basis of many constitutional developments in the country.¹⁶ The actual constitution of the First Republic which remained in vogue till 1960 was proclaimed on 20 April 1924 and came into force immediately.¹⁷

The constitution did not admit complete separation of powers. The legislative and executive powers were combined in the National Assembly. The President of the Republic was elected by the Assembly, who then chose a council of Ministers. In 1929 the Law of the Departmental Administration was passed which remained in vogue till 1965.¹⁸ By this law the administration was centralised, but for the smooth implementation of the governmental policies the country was divided into provinces (Vilayets), sub-provinces (Kazas), and districts (Nahiyes).¹⁹

1. Provinces. The country was divided into 66 provinces. According to law each province was a unit of central administration. The following officers constituted the officialdom of this area of administrative jurisdiction:

16. Ramesh Chandra Ghose, *Constitutional Developments in the Islamic World*, Calcutta, The Book Company Ltd., 1941, p. 29.

17. Ibid., p. 39.

18. Necmi Osten, op. cit., p. 410.

19. Albert Gorvine and Arif Payaslioglu, "The Administrative Career Service in Turkish Provincial Government," *International Review of Administrative Sciences*, 1957, No. 4, p. 468.

(a) The Vali (Prefect). The Vali was appointed by the Ministry of the Interior as the chief administrative officer of a province. His role was dual in nature. As an executive officer of the central government, it was his duty to carry out the policies laid down by the central government and secondly he symbolised the political power as vested in the central government.

(b) Heads of Different Departments. Along with the provincial Vali, each Ministry of the centre was represented by its own senior officer who looked after the affairs and policies of his own Ministry.

(c) The Prefectorial Council. All heads of the various departments in a province constituted a council which was presided over by the Prefect. Its powers were of juridical, administrative, and consultative nature.

2. The Sub-Province (Kaza). Each province was divided into sub-provinces, and there were 473²⁰ such administrative units in the country, and the following officers were stationed in each Kaza:

(a) The Sub-Prefect. His official designation was Kaymakam, and his main duty was to carry out the orders of the Prefect (Vali).

(b) The Assistant Chiefs of Sections. They were representatives of various departments of the central government and were under the general supervision of the sub-prefect.

(c) The Sub-Provincial Council. The section heads of other departments constituted this council which was presided over by the sub-prefect. The duties and responsibilities of this council were exactly like those of prefectorial council at the provincial level.

3. The District (Nahiye). This was the smallest unit of central administration. Each sub-province (Kaza) was divided into several districts and there were 940²¹ such districts in the country. The highest officer in a district was called the Director of the District (Nahiye muduru) whose

20. Ibid.

21. Ibid.

duties were to implement the orders and regulations as were forwarded to him from the higher eschelons of the administrative hierarchy.²²

To complete the structural aspects of the Turkish administration, it is essential to give a brief description of regional inspectorates. In order to create further coherence and co-ordination in the working of central departments in various parts of the country a law was passed in 1927 under the title of the "Law on the Organisation of General Inspectorates" (Umumi Mufettislik Teskilati). In 1927 the first Inspectorate-General was established with headquarters at Diarbekir in the East; the second was established in 1934 with headquarters at Edirne in Thrace; the third came into being in 1935 at Erzerum; and the fourth was created at Tunceli in 1936.²³

Personnel Practices and Procedures :

During the period of the First Republic (1923-60) Turkey did not have a central personnel office, but the conditions of employment, salaries, compensation, and promotion of government employees were regulated by a rigid and highly legalistic salary plan called the Bareme Law, called after its French author (Bareme).²⁴ Professor Cemal Mihcioglu has classified state personnel in Turkey during this period according to the legal status of the employees, and on the basis of the level of government. Legally they were divided into "officials" (*memurlar*) and "employees" (*hizmetliler*). In theory officials were those civil servants who received compensation in salaries, while those who received wages were bracketed as employees. Another point of distinction was that wage-earners were not allowed privileges, like annual leave, paid sick leave, children's allowances, and birth and death allowances. A classification according to the level of government was as follows :

- (a) State personnel. This category included majority of the civil servants of the country. They were paid out of the general budget and

22. Necmi Osten, op. cit., pp. 411-12.

23. Ibid., p. 413.

24. Lynton K. Caldwell, "Turkish Administration and the Politics of Expediency," in William J. Siffin (Ed.), *Toward the Comparative Study of Administration*, Bloomington, Indiana University Press, 1959, p. 132.

included personnel of various ministries, the judges, and the teaching staff in schools, and military officers.

- (b) Provincial personnel. In actual practice all officials in the provinces were employees of the central government, but the term "provincial civil servants" was used for a limited number of personnel who were recruited locally.

- (c) Municipal personnel. 1016 cities of varying size had their own employees, who were not bound by state personnel regulations.²⁵

The number of the various types of state personnel at the close of the First Republic in 1961 were as follows :

1. Central Government	313,391
2. State Economic Enterprises	115,582
3. Other National Agencies	18,350
4. Provinces (as units of local government)	12,982
5. Municipalities	35,069
Total	495,374

Like all modern bureaucracies, the Turkish civil services had rapid expansion after World War II. The figures for three years will clearly portray this point :

	1950	1955	1961
Central Government	173,608	190,206	313,391
State Economic Enterprises	15,975	40,130	115,582
Provincial Local Government	14,159	12,409	12,982

The statistics for 1961 show that 71.2% of the civil servants employed by the national government were distributed among the larger ministries. The breakdown of the numbers according to ministries was as follows :

Ministry of Education	101,205
Ministry of Health	37,184
Ministry of Interior	26,218
Ministry of Justice	16,955
Ministry of Finance	16,444
Ministry of Agriculture	14,420
Total	212,426

25. Cemal Mihcioglu, "The Civil Service in Turkey," in *Symposium on Management Training in Public Administration held in Lahore, Pakistan*, 6-11 January 1964, pp. 62-63.

The remaining 28.8 % were employed in other ministries, universities and other governmental or semi-government bodies.²⁶ Although Turkey led the Muslim world in the emancipation and education of women, percentage of women civil servants was not very high during this period. In 1946 they formed 15.6 % of the total government personnel, and this number of course must have increased considerably by now.²⁷

Recruitment, Classification and Pay:

As has already been mentioned that during the First Republic, Turkey did not have any civil service commission or a central personnel agency. Each Ministry or Directorate was responsible for the recruitment and management of its own personnel. Separate personnel officers were in charge of each Ministry, where records of the employees were kept. Every civil servant was subjected to the general civil service laws embodied in the Barem Law and the organisational rules of his own department. This pattern of personnel administration had very close resemblance with the practices of the Third Republic in France.²⁸

Aspirants for government employment were required to possess certain general qualifications, which were set forth in the law. They were:

- (a) Turkish nationality.
- (b) Possession of civil rights.
- (c) Unblemished character.
- (d) Education from elementary or a higher school.
- (e) Completion of military service.
- (f) Medical fitness.
- (g) Not married to an alien woman.

Entry tests were not compulsory, but certain departments had organised entrance examinations with the co-operation of the Ministry of Education. The examination was usually in the nature of a general-knowledge test.

26. All statistics have been taken from Cemal Mihcioglu, op. cit., pp. 64-65.

27. Ibid., p. 66.

28. Joseph B. Kingsbury and Tahir Aktan, *The Public Service in Turkey: Organization, Recruitment and Training*, Brussels, International Institute of Administrative Sciences, 1955, pp. 28-29.

Later they were interviewed and the final selection was made in the light of candidates' educational qualifications, experience and training. Certain departments used to administer promotional tests also, and the results were occasionally supplemented by the annual reports written by superior officers of their subordinates.²⁹ Near the close of the First Republic, however, competitive examination had become obligatory for all those who were applying for government jobs for the first time. Exception was made only in the cases of the "staff of the President's office, ambassadors, heads of ministerial secretariats, provincial governors, legal advisers, translators, those who have had professional training, civil servants applying for positions that require special qualifications, those transferred from another government organization, and those whose schooling had been sponsored by the government."³⁰ Specialisation which entitled the candidate for exemption from examination was used in a broader sense. Normally, doctors, engineers, scientists, and architects would be bracketed as specialists for the purpose of governmental employment, but in Turkey during this period graduates with higher degrees in law, economics, or sociology were treated as specialists in the Ministry of Labour and Workers Insurance Administration. Similarly, graduates of the Academies of Economic and Commercial Sciences were considered specialists in the Ministry of Commerce.³¹

Theoretically personnel classification was divided into two categories: (i) position classification and (ii) rank classification. According to Norman Powell, "Position classification is the name given to the orderly arrangement and definition of categories of employment on the basis of the kind and level of work performed."³² Under this system jobs are identified, designated, and catalogued according to duties, responsibilities, and qualifications. In the case of rank classification attention is concentrated on the individual and

29. James M. Clinton, "Personal Administration in Turkey," *Public Personnel Review*, Vol. XXII, No. 4, October 1961, p. 266.

30. Cemal Mihcioglu, op. cit., p. 67.

31. Ibid., p. 68.

32. Norman Powell, *Personnel Administration in Government*, Englewood, Prentice Hall Inc., 1956, p. 321.

not on the post. Pay, prestige, rights, and privileges are attached to the rank and status of the individual employee. In Turkey, during the period under discussion the duties and responsibilities were not spelled out clearly, and definition and descriptions of jobs were not enlisted in the personnel organisation of the government. In 1929 civil servants were classified into ranks resembling very closely to the structure of military hierarchy. It was a definite improvement upon the previous "confusion, but it made the whole framework very rigid".³³ The services were divided into fifteen grades and the highest was one. Grade fifteen was abolished in 1944, and after that only fourteen grades remained in uniform practice throughout the services.³⁴

The salaries and compensations of the civil servants were contained in Law No. 3656, enacted in 1939, which contained the *bareme* schedule of grades and salaries. The law also contained detailed provisions about the educational requirements, and rules regarding promotions and changes when and where required in the emoluments of the civil servants.

The schedule of grades and the monthly salaries attached to them were as follows. The remuneration is computed in Turkish liras.³⁵

Grade				Index salary	Actual salary
1	..	..	..	150	1000
2	..	..	..	125	875
3	..	..	..	100	750
4	..	..	..	90	625
5	..	..	..	80	550
6	..	..	..	70	475
7	..	..	..	60	400
8	..	..	..	50	350
9	..	..	..	40	300
10	..	..	..	35	250
11	..	..	..	30	225
12	..	..	..	25	200
13	..	..	..	20	175
14	..	..	..	15	150

33. Joseph B. Kingsbury and Tahir Aktan op. cit., p. 31.

34. Ibid., p. 28.

35. Nine Turkish liras were equal to one American dollar.

There were two difficulties which were generally encountered in the personnel practices of Turkey. First, that employees could enter grade according to their educational qualifications, irrespective of the work contents of the positions that they were to occupy. This confusion was aggravated by the presence of a special class of civil servants called the "wage-earners". This category was created to resolve the difficulty which many nation-building departments were encountering in the recruitment of technical and professional personnel within regular pay scale sanctioned by the Bareme Law. After World War II, in view of the inflationary tendencies in the economy of the country, the gulf between the salaries and the cost of living widened considerably. To overcome this lacuna many governmental departments extended the "wage-earning" formula to many non-specialised civil servants also.³⁶ In this way the departments could retain their competent staff and outlive the rigidities of established salary structure. Professor Cemal Mihcioglu has given the following statistics about six older ministries of the central government which among themselves comprised 70% of the public personnel of the national government. The percentages below show the salaried employees of the six ministries :

	Percentages
Ministry of Health	50
Ministry of Agriculture	56
Ministry of Interior	76.6
Ministry of Justice	76
Ministry of Finance	77
Ministry of Education	90
In other recently organised departments which were of highly technical nature the percentags were much lower.	
State Planning Organisation	0
State Hydraulic Works	313
Ministry of Reconstruction and Settlement	13.5
State Statistical Institute	20
Highway Administration	21

36. James Clinton, op. cit., p. 265.

In short by the year 1961 only 65% of the civil servants in Turkey were being paid from the general and annexed budgets, the rest had been shifted as contractual wage-earners.³⁷

Training :

Among the modern states, Turkey probably can claim to be in possession of one of the oldest traditions of civil service training. As early as the time of Sultan Mohammed II the Conqueror (1451-81) need was felt of giving proper training to officials being posted in the provinces of the Empire. The Imperial Household was formed into a training college for administrators and officers. This was known as *Enderun* (the Palace School of Administration). The subjects taught included music, Islamic law, literature, military science, and procedures of state administration and protocol. Four different categories of state employees received training at four different places :

1. The higher civil servants who could be called the administrative class were trained at *Enderun* (the Palace School).
2. Lawyers and scholars were supposed to have fifteen years' education at the various universities of the time.
3. Military officers were trained in their respective units.
4. The members of the clerical class were provided on the job training.

All efforts were made to reduce favouritism to minimum and the training rules and procedures, judging from the standards of the times, were considerably refined. During the later centuries when the Empire declined there was marked deterioration in the standards of training. In 1839 when the Tanzimat reforms started, training again became a pivotal concept in the re-organisation of the civil services. A school for Civil Service (called *Mektebi Mulkiye*) was established which was later merged into the Political Science Faculty of the University of Ankara.³⁸

During the First Republic, most of the civil servants were recruited from among the graduates of the Faculties of Political Science and Law. For the

37. Cemal Mihcioglu, op. cit., p. 70.

38. Albert Gorvine and Arif Payaslioglu, op. cit., p. 467.

lack of trained people, certain government departments had created certain special schools of their own. The School of Finance Officers, the Land Registry School, Schools for Nurses and Public Health Officers, Agricultural Schools, and Railway Schools were some of the most important of them. These institutions could not be compared with some of the academies which are established in several countries for the training of higher civil servants. There were, however, several in-service training institutions which were meant to cater the growing developmental needs of the country.³⁹

The oldest of these in-service training schools was the *Mulkiye*, where sub-prefects of sub-provinces called *Kaymakams* were given training during the course of their service. Later the *Mulkiye* was transferred to the Ankara University. The trainees were selected from officers who had served the provincial government for two years. The course was conducted by the Ministry of Interior for a period of six months, during which the trainees were given a course of lectures, seminars were held and field trips were arranged. The Ministry of Interior also conducted a course for District Directors called *Nahiye Muduru*. High school graduates after serving six-month probationary period were brought to Ankara for a year's special training.⁴⁰

In the fifties, however, efforts were made to broaden the scope and increase the prestige of the in-service training. To teach the newly developed techniques and procedure of modern administration and management, a Public Administration Institute for Turkey and the Middle East was established in 1953. The Institute offered general training programme, spread over one year to candidates who were aspirants for higher administrative positions. Participants for this course were selected through inter-departmental competition. The entry was open to both military and civilian personnel. They were to be under 45 years of age with minimum service of five years and a University education. In 1954 a Business Administration Institute was established at the University of Istanbul's Faculty of Economics. The Institute

39. Ibid.

40. Joseph Kingsbury and Tahir Aktan, op. cit., p. 40.

was primarily created for private enterprise, but at present most of its participants come from State Economic Enterprises. Similarly, an Industrial Productivity Centre came into operation in 1954 and catered the needs of State Economic Enterprises. Ankara Police Institute gave training to security chiefs, and School for Finance Officers trained field officers of the Ministry of Finance. The Ministry of Education was operating nine Secretarial Schools to meet the country-wide need for competent secretaries.⁴¹ One of the best examples of in-service training programmes in the country has been the state railway training courses in job evaluation. This programme was started in 1953. An equally important work is being done by the Agricultural Extension Service to inculcate means of increasing production and disseminating improved methods of farm management.⁴² This shows that Turkey has sufficient in-service training facilities, but the whole programme requires considerable co-ordination at national level. Professor Mihcioglu has expressed the opinion that "the lack of central unit which could set the general training policy for the entire Civil Service, and could provide the individual departments with guidance as well as technical support in their own training activities is a gap that should be filled without delay".⁴³

Conditions of Work and Rights of Civil Servants:

The working conditions of Turkey's civil servants during this period were in several ways better than those in advanced countries of the West. Kingsbury and Aktan have recorded that a British professor after visiting several ministries expressed the opinion that facilities and amenities provided to Turkish government employees were better than the employees of Whitehall. James Clinton in comparing conditions with U.S.A. has expressed the following opinion:

Fringe benefits have played an important part in personnel administration in Turkey. Whereas the Government employee has suffered in salary rates, he has not suffered in fringe benefits. They greatly exceed those common to the United States. For example, after only one day of employ-

41. Cemal Mihcioglu, *op. cit.*, pp. 75-76.

42. Joseph Kingsbury and Tahir Aktan, *op. cit.*, pp. 41-42.

43. Cemal Mihcioglu, *op. cit.*, p. 76.

ment the Turkish Government employee is entitled to a full year's paid sick leave. He is entitled to full medical and hospital coverage, for which he does not make contribution. This extends during retirement to death. His family is entitled to hospital coverage.⁴⁴

The Civil Service law contained an exhaustive list of prohibitions, violation of which entailed various types of penalties. The order of severity of these penalties was as follows:

- (i) Warning.
- (ii) Reprimand.
- (iii) Reduction in pay up to 15 days.
- (iv) Deprivation of seniority from 3 months to one year.
- (v) Lowering of rank.
- (vi) Dismissal.⁴⁵

Since the whole framework of the services was legalistic, there used to be considerable juristic quibbling in the interpretation of facts. The employees were protected against disciplinary high-handedness by a right to appeal against departmental action. All penalties above reprimand could be imposed only after proper investigation. Appeals were generally heard by the Head of the Department or the Council of State. The provisions for retirement were also liberal. The age of retirement was 65 but an employee could ask for retirement after twenty-five years of service. After twenty-five years of service he was given 50% of the highest pay drawn during the last ten years of his service as annuity, with additional 2% for each year served after twenty-five years of service.⁴⁶

The law prohibited the formation of trade unions among civil servants. The law enacted in 1937 forbade even the establishment of associations for professional purposes. But the law in the case of professions was not strictly implemented and after 1948 Associations of Teachers, Doctors, Engineers, Architects, and Pharmacists did come into existence. The civil servants had no right to strike; they were not allowed to marry foreign women,

44. James Clinton, *op. cit.*, p. 267.

45. Joseph Kingsbury and Tahir Aktan, *op. cit.*, p. 34.

46. *Ibid.*, p. 36.

and anybody doing so, was deemed to have resigned the job. The government employees had a right to vote but could not participate in political campaigns. Before 1960, any civil servant desirous of contesting a seat for the parliament had to resign six months in advance from his job.⁴⁷

Some Characteristics of Turkish Civil Service :

Like most developing societies public service has always been a prestigious profession in Turkey. It still holds primacy among choices which are available to young graduates of the universities for permanent careers. It may be due to the comparative lack of well-organised private enterprises, butmost likely it is the security of job and social prestige which have made government employment a focal point for the concentration of national talent. A recent empirical survey of the attitude showed the following results :

Out of the selected group of 362 junior or potential administrators, 76% preferred maximum security and a moderate salary or low security and high salary. Moreover, the nearly the same percentage behind that it would be as easy or easier to secure employment in government than in non-governmental activities. This attitude among Turkish youth makes it so expedient for the Government to provide a maximum number of jobs at minimum pay. Articulated popular pressure is for more public jobs, not fewer.⁴⁸

Love for discipline and hierarchy and respect for authority are considered to be the fundamental characteristics of Turkish character. Count Ostrorog in his analysis of the Ottoman Turks writes that "they possess solid qualities—a deep sense of discipline, a natural tendency towards hierarchical organization, a feudal, feeling of devotion to and trust in the Chief".⁴⁹ The outlook and conduct of administrators are imbued with these qualities, which stood them in good stead during Sultanate days and have contributed considerably towards the achievements of the republican era. In the opinion of certain critics that deference to law in many cases is so excessive that many administrative avenues are jammed by rigidities of formalism and legalistic road-blocks. They contend that there is reluctance among top administrators to use discretion and deep-seated apprehension to delegate authorities. But

47. Cemal Mihcioglu, op. cit., pp. 81-82.

48. Lynton Caldwell, op. cit., p. 133.

49. Cited in Joseph Kingsbury and Tahir Aktan, op. cit., p. 25.

these stringencies of legalism, however, are mellowed down by "the genuine regard for human rights and values" among Turks.⁵⁰

Turkish administrators have won great admiration from observers at home and abroad, for their austere discipline, honesty of purpose, deep consideration for the "human side of the enterprise". In intra-departmental dealings, inter-departmental transactions, and in their behaviour towards the public, these attitudes are free from the corrupting influences which are generally associated with big bureaucracies of today. Caldwell after noticing certain weaknesses of the Turkish administration gives the following account of the elements of its strength.

The Turkish Government is generally free from the graft and corruption that became a chronic ailment of Ottoman administration and that still seriously impedes responsible government in many places in the Middle East. The efforts of the Turkish Government appear generally (with a few particular exceptions) to be sincerely intended for the welfare of the Turkish people. The positive accomplishments in the building of schools, hospitals, laboratories, highways and cultural institutions is greater than might seem possible on the basis of the material wealth or technical resources of the country. Turkey has some able and well-informed administrators who understand the administrative problems confronting the nation.⁵¹

There is another characteristic of Turkish behavioural pattern which is conspicuously reflected in the policies and decision-making of the Turkish administrators. There has always been an emphasis on realism rather than fatalism in Turkish history. There prevails a spirit of inquiry, investigation, and consultation in the value system of the society. There is a general tendency to concentrate on facts and abstain from prejudices in handling practical problems of life. Eleanor Bisbee has summed up this aspect in the following words :

Turks are actually more realists than fatalists. Hardly anything seems more characteristic of them individually and nationally in the ordinary course of events than their word *Bakalım*. The verb *bakmak*, of which it is a form, means to see, investigate and consult. Hence, "Let us see, let us look into this; the time to act will be when many factors are clearer than they are now". Let the real facts determine action.⁵²

50. Ibid.

51. Lynton Caldwell, op. cit., p. 139.

52. Eleanor Bisbee, *The New Turks: Pioneers of the Republic, 1920-1950*, Philadelphia, University of Pennsylvania Press, 1956, p. 167.

There is extreme dearth of literature about the social and educational background of the present-day Turkish Civil Servant. Whatever has been written lacks vigorous empirical attestation; as such most of the conclusions are tentative, and many aspects of this vital understanding of the administration are still beclouded. Despite the lack of scientific examination and vagueness of information it is generally believed that most of the civil servants have education in political science or law. In 1947 a survey was conducted of the educational antecedents of provincial governors (*valis*) and district governors (*Kaymakams*), the following statistics were collected about the educational qualification of these officers:

<i>Educational Background</i>			<i>Governors</i>	<i>District Governors</i>
Political Science	..	..	60%	81%
Law	..	..	39%	14.3%
Others	..	..	1%	4.7% ⁵³

Because of the scholarship system (government picks up bright boys both at school and university as potential administrators and provides scholarships for their education), the Turkish government has always been able to recruit civil servants from all the diverse areas of the country. The records of the Ministry of Interior and the questionnaire administered by the Faculty of Political Science show the following table of the regional origins of *Valis* and *Kaymakam*:

<i>Area</i>	<i>Valis</i>		<i>Kaymakam</i>	
	<i>No.</i>	<i>Percent</i>	<i>No.</i>	<i>Percent</i>
Istanbul ..	15	20	40	12
Black Sea ..	10	14	41	12
Middle Anatolia ..	15	21	75	22
Eastern Turkey ..	5	7	37	11
Western Turkey ..	11	15	88	26
Southern Turkey ..	3	4	26	8
South-Eastern Turkey ..	9	12	19	6
Outside Turkey ..	5	7	12	3

53. Cemal Mihcioglu, op. cit., p. 86.

The high percentage of officers from Middle Anatolia, Eastern Turkey, and South-Eastern Turkey shows that the larger number of officers were born in villages than in the cities.⁵⁴

Similar type of data is available which provides an index to the family background with special reference to the occupation of the fathers of the *valis* and *kaymakams*. The largest numbers of them were sons of middle or higher civil servants. The statistics collected by the Political Science Faculty of the Ankara University sometime back showed that 39.8% of the total *Kaymakams* were sons of civil servants or army officers. The proportions of *Valis* whose fathers were civil servants was 48.9%, 15.6% were sons of business men and industrialists, and 13.3% came from farmer families.⁵⁵

Thus we can conclude that Turkey has a civil service with a long tradition of administrative procedures which have served the state through various stages in its history. The legal structure, laws, and statutes have been reformed to meet the growing needs of the country. There were, however, problems of salaries, uniform, and co-ordinated personnel practices and research in administration, which remained without resolution during the first Republic. In spite of these difficulties Turkish Civil Services have the potential to become an efficacious instrument to meet the developmental needs of a Welfare State. Professor Caldwell, after enumerating the political expediencies and social and valuatinal set-up of the country, has struck the following note of optimism about the Turkish Civil Service:

Yet the total social and governmental picture justifies cautious long-range optimism. There are many Turkish officials capable of constructive self-criticism; there is a tradition of training for the public service and there are institutions capable of leadership in administrative development. . . . Political necessity affords the strongest reason for believing that Turks will develop administrative competence equal to the exigencies confronting them. The evaluation of administration in the government of Turkey therefore promises to be a rewarding area of inquiry to the student of comparative administration for a long time to come.⁵⁶

54. Albert Govine and Arif Payaslioglu, op. cit., p. 469.

55. Cemal Mihcioglu, op. cit., p. 86.

56. Lynton Caldwell, op. cit., p. 1414.

CATHARSIS OF HOSTILITY: A NEW THEORETICAL APPROACH

SHAHBAZ KHAN MALICK

The psychological literature contains two typical uses of catharsis. Dollard *et al* (Dollard, Doob, Miller, Mowrer, and Sears, 1939) and psychoanalysts in general assume that an aggressive act reduces the instigation to aggression, provided there is no further frustration to trigger-off aggression, consequently. Related is the second or "hydraulic" meaning which denotes the existence of psychic energy within a person a part of which is utilised for aggressive acts. This is illustrated by the common example of a frustrated housewife who feels better after "blowing off" steam at the children. Here, it is assumed that the outburst of anger decreases the total pressure of "piled-up" aggressive energy within the person. The play-therapy technique in psychological clinics and some of the extra-curricular activities in schools like boxing, wrestling, and physical sports are, most probably, based on this notion of catharsis.

Experimental evidence bearing on the notion of catharsis is sparse. This is, probably, due to the fact that there are strict social sanctions against arousing anger in innocent people even for the sake of scientific experiments. Then, there are procedural complications related to an adequate design of the experiment. The few studies about catharsis that have been published so far can be divided into two main categories, depending upon whether the subjects (Ss) used in them were previously angered or not.

Feshbach (1955), employing college students as Ss and arousing their anger deliberately by insulting them, provided evidence in favour of catharsis on only his attitudinal measure of hostility. His results, however, cannot be taken as conclusive due to certain methodological objections. Among other things, he did not use a non-frustrated control group to test the characteristics of his non-cathartic neutral activity in evoking aggression. Hornberger (1959), replicating Feshbach's procedures and employing suitable control

groups for cathartic and non-cathartic activities, failed to confirm the latter's results. Mallick (1965), working with third-graders as *Ss* and arousing their anger individually with the help of same-sexed fifth-grader confederates, provided evidence contrary to the notion of catharsis. This was true for both the sexes. Some other investigators (Berkowitz, Green, and Macaulay, 1962; Thibaut and Coules, 1952), using previously angered *Ss*, did not support catharsis hypothesis.

Feshbach (1956), in another study, using previously non-angered children, failed to provide evidence of cathartic reduction of aggression as a function of the usual play-therapy. He observed that boys (but not girls) initially low in aggressive behaviour showed a significant increase in overt hostility after a series of permissive free-play experiences. Similar findings are also reported by Kenny (1953). Using previously non-angered first-grade children as *Ss* and employing play-therapy technique, he did not find any evidence of catharsis.

Taken as a whole, both groups of studies provided overwhelming evidence against the occurrence of catharsis. The process of catharsis seems to be much more complex than the one believed by the clinicians or proposed by Dollard *et al* (1939). Evidently, neither the play-therapy nor the aggressive activities provided any catharsis to the participants, regardless of whether they had been previously angered or not. It seems highly desirable that catharsis be explained from a fresh theoretical framework which should stand the test of empirical verification as well as accommodate adequately the existing experimental data.

The present study was conducted to evaluate an alternative position regarding catharsis. A full exposition of this theoretical framework lies beyond the scope of this short article. For this purpose see Mallick (1964).

Briefly discussing, the framework consists of interrelated concepts of *anger*, *fear*, *hostility*, *aggression*, *relief*, and *catharsis*. When noxious stimuli are delivered to a person they evoke anger, fear, and hostility in him. Anger and fear are temporal emotional reactions, which are largely responsible for determining the probability of aggression in response to the situation involving noxious stimuli. Hostility, however, is relatively permanent attitudinal

reaction resulting from the interpretation of the situation and includes negative evaluation of the person or agency delivering noxious stimuli. The reactions of anger, fear, and hostility occur almost simultaneously in response to noxious stimuli directed at a person, and are joined to each other in the manner of classical conditioning. Thus, confronting the person or the original situation of noxious stimuli at a later occasion, the first response of a person is the reaction of hostility which, subsequently, arouses the emotional reactions of anger and fear.

Catharsis is a psychological process which reduces the hostility of a person toward another person or situation which originally caused or accompanied this hostility. An important distinction is thus made between catharsis so defined, and catharsis defined as relief of physiological or emotional tensions accompanying anger. For the sake of precision, clarity, and scientific usefulness, the concept of *relief* is proposed to describe the phenomenon of reduction of physiological and emotional tensions accompanying anger and the feelings of satisfaction and comfort resulting from the reduction of such tensions. The use of the term "catharsis" is restricted only to the process by which a change in attitude takes place and, consequently, the original object of hostility is seen in a more favourable light than before.

It is assumed, here, that hostility is an attitudinal reaction toward the person or agency responsible for the delivery of noxious stimuli. Any conform to the general principles of change is an attitude. It is proposed that a change in an attitude in any direction requires a reinterpretation of the situation involving the person or agency toward whom the attitude is held. Regarding hostility, the reinterpretation of the situation of noxious stimuli or frustration may result in either of the two consequences, depending upon the amount of direction of change in hostility. It may lead either to an increase or a decrease in the total amount of hostility and the actual change may be smaller or larger. Moreover, reinterpretation may either be suggested to the person by somebody else or may be made by the person himself, when reflecting upon the past situation responsible for hostility. The effectiveness of reinterpretation, when made by somebody else, depends upon the reasonableness of such reinterpretation to the frustrated person.

If the reinterpretation is in the *positive direction* (i.e. the frustrator is seen in a more favourable light after the reinterpretation), it will have a cathartic effect. On the other hand, if the reinterpretation of the frustrating situation is in the *negative direction* (i.e. the frustrator is perceived more unfavourably than before), there may be an increase in hostility toward him. The reinterpretation will then be assumed to have had no cathartic effect. Thus, only positive reinterpretations of the frustrating situation are considered to have a cathartic effect for hostility.

The following three main hypothesis about catharsis and a subsidiary hypothesis of sex differences were tested in the present study.

Hypotheses :

1. Angry aggression directed toward an inanimate object or aggression expressed in fantasy has no cathartic effect.
2. Aggression in the absence of anger has no cathartic effect.
3. A *reasonable positive reinterpretation* of the frustrating situation involving the person and his frustrator provides catharsis of hostility against the latter.
4. Due to differential cultural sanctions regarding aggression, girls, generally, show less open aggression than boys. However, when a safe, permissive, and private atmosphere for aggression is provided, sex differences regarding aggression become negligible for 8-9 year old children.

Method:

Subjects: Thirty third-graders of each sex, 8-9 years of age, selected from laboratory school of Indiana University, Bloomington, Indiana, U.S.A., served as Ss, and six confederates of each sex, 11-12 years old, were selected from the sixth grade of the same school. The Ss were divided randomly into three experimental and two control groups, each having six boys and six girls. Each confederate worked with five like-sexed Ss, one from each group.

Procedure: The experiment was conducted in individual sessions, each consisting of three phases. In the *first phase*, the Ss of the three experimental groups were frustrated by the like-sexed confederates and their anger was aroused. The Ss of the control groups were not frustrated and not made

angry. Each S in the frustration conditions was told to complete five easy block-building assignments, one by one, each to be finished within one minute and ten seconds. He was promised a reward of one nickel per completed assignment. The confederate was introduced to the S as his co-worker. However, he was neither promised nor given any money. After the preliminary instructions, each S was given five nickels, with the assurance that he, apparently a bright child, would earn them by successfully completing his assignments. None of the Ss, however, could complete any assignment since the previously trained confederate created hindrances in his work. Consequently, every S had to return all the nickels he was given at the beginning, one by one.

At the end of the first phase, each S was given a graphic rating scale to show his like-dislike of the confederate. It consisted of a line 15 centimetres long divided equally into five parts, each part labelled properly as, for example, "I like him very much" at the left extreme and "I really don't like him at all" at the right extreme. The contents of the scale were verbally read to the S and it was explained to him how to give his answer. The score for each S was derived by measuring the distance in centimetres from the left extreme of the scale to the point of check marked by the S. Thus, the higher the score, the greater the dislike of the S for his confederate.

During the *second phase* of eight minutes, the Ss of experimental groups were assigned to one of the three treatments: shooting darts at six 5 x 4 inch targets, each having a picture of an 11-12 year old like-sexed child; social talk with the experimenter; and frustration-reinterpretation embedded in social talk with the experimenter. The control groups received only the former two treatments. At the end of this phase, the rating scale of like-dislike for the confederate was repeated.

In frustration-reinterpretation treatment, the experimenter and S started a social conversation. In the third minute of the conversation, the experimenter referred to S's efforts at block-building tasks and the behaviour of the confederate. An explanation of confederate's "clumsy" behaviour was suggested that he was upset since he had very little sleep the previous night. It was also suggested that since the confederate was not receiving any nickels

for the tasks, he did not show the same interest in his job, which he might have shown if he were given any reward. After this "reinterpretation," the experimenter and *S* resumed their social talk till the end of the second phase.

In social talk treatment, the conversation between the experimenter and *S* was mostly carried on about *S*'s interests in games, sports, T.V. programmes, and stories that he liked, etc. No reference was made to the confederate's behaviour at all during this conversation.

The conversations of "reinterpretation" and "social talk" treatments were recorded on a magnetic tape.

In the third phase, a behavioural measure of residual hostility was given to each *S*. He was told that the confederate, who was sitting in another room, would do a block-building assignment. The *S* could either "slow-down" or help in speeding the confederate's work, by pushing either of the two electric switches on a $12 \times 8 \times 3\frac{1}{2}$ inches wooden box, placed before him. The *S* could push the buttons only up to a total of twenty times. The "slowing" and "helping" switches were connected to an electric circuit activating a red and a green light respectively, in the other room. The *S* was assured that his responses would not be known to anybody, and he was at liberty to push any switch as he pleased. He was told to start pushing the switches when he was given a light signal. The experimenter, then, went to the other room, gave the light signal to *S* by pushing a switch there, and started recording *S*'s responses from a response panel located in his room. The aggression score of each *S* was the number of times he pushed the slowing switch out of the total of twenty pushes.

To counterbalance any effects of the location of switches on *S*'s response tendencies, the functions of switches were alternated, after running a batch of five *S*s of each sex, one from every group. The time of the day and the sequence of five conditions were balanced systematically for both the sexes.

At the end of an experimental session, each *S* was told that his performance was excellent. To maintain the secrecy he was asked not to discuss the experiment on the plea that other children might not exceed his excellent (hypothetical) score. The experimenter took special care to retain

the confidence of confederates by rewarding them daily with sweets, pencils and pocket money. At the completion of the study, all the *S*s were told about the role of the confederate. They were quite happy at receiving candy bars distributed by the latter.

Results:

The date of *S*s' like-dislike for the confederates was collected only for 50 *S*s. The scores on the first and the second administrations of like-dislike scale will be referred to as X-scores and Y-scores respectively. The total X-scores of *S*s in each condition are given in Table 1.

TABLE 1. THE TOTAL X-SCORES IN EACH EXPERIMENTAL CONDITION, SHOWING SUBJECTS' LIKE-DISLIKE OF CONFEDERATES ON THE FIRST ATTITUDINAL MEASURE (THE HIGHER THE SCORE, THE LESSER THE LIKING)

Sex	Frustration conditions			Non-frustration conditions		Total
	Aggres- sive play	Social talk	Rein- terpre- tation	Aggres- sive play	Social talk	
Boys ..	42.9	39.8	50.5	13.4	12.2	158.8
Girls ..	31.4	33.4	19.1	16.2	11.6	111.7
Total ..	74.3	73.2	69.6	29.6	23.8	270.5
Total boys=133.2				Total boys=25.6		
Total girls=83.9				Total girls=27.8		

n=5 per cell

The analysis of variance of X-scores is given in Table 2. The effects of sex, and sex and frustration interaction were mainly contributed by the girls of the frustrated groups who expressed less dislike of the frustrators than the frustrated boys. Duncan Multiple Range Test of the treatment totals indicated that there were no significant differences either among the experimental groups or between the control groups. Each of the experimental groups gave significantly large X-scores when compared with each of the two control groups ($P .005$ for each comparison).

X-scores and Y-scores were correlated, yielding a Pearsonian r of $+.902$ ($P .005$).

TABLE 2. THE ANALYSIS OF VARIANCE OF X-SCORES AMONG SUBJECTS FOR EACH EXPERIMENTAL TREATMENT (5 BOYS AND 5 GIRLS IN EACH CONDITION)

Source	..	df	MS	F	F for P=.05
Frustration (F)	..	1	250.25	28.99	4.06
Sex (S)	..	1	44.36	5.14	4.06
F × S	..	1	36.90	4.28	4.06
Error	..	46	8.63 (Error)		

To determine the change in *Ss*' like-dislike for the confederates as a result of various experimental treatments, the X-scores were subtracted from the corresponding Y-scores, and a constant of eight was added to eliminate the minus numbers. Thus a composite ($Y-X+8$) score (hereafter referred to as D-score) larger than eight showed an increase in *Ss*' dislike toward the confederate, one smaller than eight indicated a decrease, and a score of eight represented no change.

The analysis of variance of D-scores is shown in Table 3. F ratio for only the treatments (T) effect was significant. F ratio for sex (S) and $S \times T$ interaction were non-significant. Duncan Multiple Range Test of the treatment totals showed that the "aggressive play" and "social talk" treatments had no effect of changing *Ss*' attitude toward the confederates. Only the "frustration-reinterpretation" groups gave significantly smaller D-scores when compared with each of the other four groups ($P .005$ for each comparison).

TABLE 3. THE ANALYSIS OF VARIANCE OF D-SCORES AMONG THE VARIOUS EXPERIMENTAL TREATMENTS (5 BOYS AND 5 GIRLS IN EACH CONDITION)

Source	..	df	MS	F	F for P=.05
Treatments (T)	..	4	14.54	10.03	2.61
Sex (S)	..	1	4.93	3.40	4.08
T × S	..	4	3.59	2.48	2.61
Error	..	40	1.45 (Error)		

The raw scores on final behaviour measure of residual hostility were transformed into long scores, using $\log (X+2)$ transformation. These scores will be hereafter referred to as A-scores.

The analysis of variance of A-scores is shown in Table 4.

TABLE 4. THE ANALYSIS OF VARIANCE OF A-SCORES AMONG THE EXPERIMENTAL CONDITIONS (6 BOYS AND 6 GIRLS IN EACH CONDITION)

Source	..	df	MS	F	F for P=.05
Treatments (T)	..	4	1.11387	9.49	2.56
Sex (S)	..	1	.03049	1	4.03
T × S	..	4	.02982	1	2.56
Error	..	50	.11739 (Error)		

Only the treatments (T) effect was significant while sex (S) and $T \times S$ effects were non-significant. Duncan Multiple Range Test of treatment totals showed: (1) the A-scores of the two control and the "frustration-reinterpretation" group did not differ significantly from one another; (2) there were no differences between the A-scores of the *Ss* of aggressive play and social talk treatment; and (3) each of the frustrated-aggressive-play and the frustrated-social-talk groups gave significantly larger A-scores when compared with each of the remaining three groups ($P .005$ for each comparison).

Pearsonian correlation between Y-scores (the second measure of like-dislike of confederates) and A-scores (the behavioural measure or residual hostility) was $+ .509$ with $P .001$.

Discussion:

The results indicate that aggression, whether angry or non-angry, displaced (as in aggressive play) or direct (as in measures of like-dislike of confederates) has no cathartic value. These results support the general findings of Thibaut and Coules (1952), Hornberger (1959), Feshbach (1956), Kenny (1953), Berkowitz *et al* (1962), and Mallick (1965). The findings are contrary to the predictions of psychoanalytic and other instinct theories. They also fail to support the predictions of Dollard *et al* (1939). From a practical

point of view, the findings raise questions about the direct value of aggressive play, whether in a psychological clinic or in the school and home, for the purpose of catharsis of hostility. Such activities may serve the important function of establishing proper rapport between the child and the therapist in the clinic or may be useful for certain educational objectives of the schools. The objectives of the clinics and schools seem quite important and, most probably, cannot be ignored. However, aggressive play in itself does not seem to provide reduction in hostility toward the sources of frustrations.

The main thesis of the present study was that a reasonable positive reinterpretation of the frustrating situation has a cathartic value. The findings of the study on both the dependent variables (i.e. D-scores and A-scores) highly support the thesis.

A possible alternative explanation of the findings is that the differences were caused by evoking aggression-anxiety among the Ss during the reinterpretation treatment. It must be pointed out that the reinterpretation did not involve any discussion of morality or ethics about the goodness and badness of aggression. However, this possibility cannot be ruled out completely in case of the results of the measures of Ss like-dislike of the confederates, since their contents were read to the Ss by the investigator. This possibility, however, seems unlikely in the case of behavioural measure. There, each S knew that he was alone in the room, and that nobody would know what responses he made while controlling the performance of his frustrator. In view of these considerations, it seems reasonable to discard the explanation of aggression-anxiety in favour of the original hypothesis.

The word "reasonable" is emphasised in the hypothesis. A reinterpretation of frustration done by another person must seem reasonable to the S in order to be effective for catharsis. There seem to be many factors influencing a person's perception of rationality in a statement; for example, his ability to understand it, the congruency of the content with his previous experiences, and his attitude toward the informant. The total effect of reinterpretation for a person will depend upon the cumulative effect of all these and, probably, other factors.

The findings supported the hypothesis that there is no sex difference

between 8-9 year old children when aggression is safe, permissive, and (supposedly) undetectable as in the case of behavioural measure of residual hostility in the present study. On the measures of Ss' like-dislike of confederates, the girls expressed significantly less hostility in the present study than did the boys. These findings indicate that cultural sanctions against the open expression of hostility are probably more strict for girls than for boys.

The correlation between the second like-dislike measure and the behavioural measure of residual hostility (+.509) suggest an inconsistency between Ss' verbal behaviour and their actual behaviour. This raises a practical dilemma for an investigator in making an appropriate choice of an instrument for measuring aggression. It is, probably, more so when Ss are sophisticated college students. The verbal measures are relatively easy to devise and more economical in terms of research time, money, and effort. However, in view of the present low correlation with the behavioural criterion measure, the validity of such verbal measures are more costly in the same terms of research time, money, and effort, and also demand very extensive patience and ingenuity. The final choice perhaps lies with the research objectives of an investigator, and his ability and willingness to make all these sacrifices.

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عربی، فارسی اور ترکی ادبیات میں "الاربعون"

امین اللہ وٹیر

من حفظ علی امتی اربعین حدیثاً من امر دینہا بعثہ اللہ فی زمرة الفقہاء و العلماء^۱ (الحديث) جس شخص نے میری امت کے لیے چالیس حدیثیں

۱۔ یہ حدیث مختلف طرق سے، مختلف الفاظ کے ساتھ روایت کی گئی ہے۔ امام نرووی اپنی "اربعین" میں لکھتے ہیں: فقد روينا عن علي بن ابي طالب و عبد الله و معاذ بن جبل و ابي الدرداء و ابن عمرو بن عباس و انس بن مالك و ابي هريرة و ابي سعيد الخدري، رضي الله عنهم، من طرق كثيرات بروايات متنوعة، ان رسول الله صلى الله عليه وسلم قال، من حفظ على امتي اربعين حديثاً من امر دينها بعثه الله تعالى يوم القيامة في زمرة الفقهاء والعلماء۔ وفي رواية: بعثه الله فقيهاً عالماً۔ وفي رواية ابي الدرداء: و كنت له يوم القيامة شافعاً و شهيداً۔ وفي رواية ابن مسعود: قيل له ادخل من اي ابواب الجنة شئت۔ وفي رواية ابن عمر: كتب في زمرة العلماء و حشر في زمرة الشهداء۔ ص ۳، ۴۔

ملا علی القاری نے شرح "اربعین نووی" (کتاب المبین المعین لفہم الاربعین) میں اس حدیث کی بعض دیگر اسانید و طرق کا ذکر بھی کیا ہے اور ان پر علماء کے جرح و نقد کو قلمبند کر دیا ہے:

وفي الاحياء: من حمل من امتي اربعين حديثاً لقي الله يوم القيامة فقيهاً عالماً... قال العراقي: رواه ابن عبد البر من حديث انس و ضعفه۔ وفي الجامع الصغير لشيخ مشايخنا السيوطي: من حمل من امتي اربعين حديثاً بعثه الله يوم القيامة فقيهاً عالماً۔ رواه ابن عدي عن انس بسند ضعيف (ص ۱۵)۔ وفي رواية بعثه الله فقيهاً و كنت له يوم القيامة شافعاً و شهيداً۔ وفي الاحياء: من حفظ على امتي اربعين حديثاً من السنة حتى يؤديها كنت له شفيعاً و شهيداً يوم القيامة۔ قال العراقي رواه ابن عبد البر من حديث عمر و ضعفه... و ذكره السيوطي في جامعه الصغير بهذا اللفظ و قال رواه ابن عدي

(مَنْ حَفِظَ عَلَى أُمَّتِي أَرْبَعِينَ حَدِيثًا مِنْ أَمْرِ دِينِهَا بَعَثَهُ اللَّهُ فِي زُمْرَةِ الْفُقَهَاءِ وَالْعُلَمَاءِ) کے زیر اثر دوسری صدی ہجری (آٹھویں صدی عیسوی) میں پیدا ہوا۔ یہ حدیث گذشتہ بارہ سو سال میں عربی، فارسی اور ترکی زبانوں میں اسلامی ادب کی صدہا کتابوں کی جمع و تدوین کا سبب بنی ہے^۳ اور مذکورہ بالا تینوں زبانوں کے ایک مشترک ادبی شعبے کی ایجاد کے سلسلے میں بڑی مؤثر ثابت ہوئی ہے۔

اس ادبی موضوع کی وسیع نشر و اشاعت کے سلسلے میں ایک اور محرک بھی بڑا اہم کردار ادا کرتا رہا ہے، یعنی یہ کہ عربی اور اسلامی اثرات کے زیر سایہ زندگی گزارنے والی سامی، آریائی اور طورانی اقوام کے ہاں عدد اربعین^۴ (چالیس) کو خاص اہمیت حاصل رہی ہے۔ اہل علم

حدیث مذکور کو ضعیف بتانے کے ساتھ ساتھ امام نووی نے یہ بھی بتا دیا ہے کہ علماء کے نزدیک فضائل اعمال کے سلسلے میں ایسی حدیث پر عمل کرنا جائز ہے: و قد آتفق العلماء علی جواز العمل بالحديث الضعیف فی فضائل الاعمال (ص ۵)۔
۳۔ امام نووی لکھتے ہیں: و مع هذا فليس اعتمادی (فی جمع الاربعین — القاری) علی هذا الحديث، بل علی قوله صلی اللہ علیہ وسلم فی الاحادیث الصحیحة: لِيَبْلُغَ الشَّاهِدُ مِنْكُمْ الْغَائِبَ—و قوله: نَصَرَ اللَّهُ امْرَأً سَمِعَ مَقَاتِلِي فَوْعَاها فَاَدَّاهَا! كما سمعها (ص ۶)۔

۴۔ اس عدد کے بارے میں ملا علی القاری کی تصریحات حسب ذیل ہیں:

و قد أشرنا فی صدر هذا الكتاب الی وجه إیثار هذا العدد فی الباب۔ و قد رُوِيَ مَنْ أَخْلَصَ لِلَّهِ أَرْبَعِينَ صَبَاحًا ظَهَرَ يَنَّا بَيْعَ الْحِكْمَةِ مِنْ قَلْبِهِ عَلَى لِسَانِهِ۔
و إذا مات المؤمن بَكَى عَلَيْهِ مَصَلَّةٌ أَرْبَعِينَ يَوْمًا۔
و تبقى بركة دُعَاءِ الْوَالِدَيْنِ لِلْوَلَدِ الْبَارِّ أَرْبَعِينَ سَنَةً۔

مذہبی معالات کے بارے میں محفوظ کر دیں اللہ تعالیٰ اسے فقہاء اور علماء کے زمرے میں اٹھائے گا)۔

”الاربعون“ (چہل حدیث) کا موضوع ان لوگوں کے لیے جو علوم اسلامیہ کے طالب علم ہیں، یا عربی، فارسی اور ترکی ادبیات — بالفاظ دیگر ادب اسلامی سے شغف رکھتے ہیں، ایک اہم موضوع ہے۔ ہم مناسب خیال کرتے ہیں کہ ایسے طالبان علم و ادب کو ”الاربعون“ کے اصولوں اور ان کے اثرات و نتائج سے روشناس کرایا جائے کیونکہ ”چہل حدیث“ کو اسلامی دینی ثقافت میں ایک بلند مقام حاصل ہے۔ ادب اسلامی کے کسی اور شعبے میں اس قدر گہرا اثر رکھنے والی تالیفات موجود نہیں ہیں، جیسی ہمارے اس موضوع پر جمع کی گئیں۔ ان احادیث نے ایک طرف اسلام کے اخلاقی مبادیات کو عوام کے ذہنوں میں استوار کرنے کا کام کیا اور دوسری طرف روحانی، اجتماعی اور سیاسی عقائد و نظریات کے دفاع اور مختلف اسلامی فرقوں کے درمیان ان کی اشاعت کا فریضہ سرانجام دیا۔ ”چہل حدیث“ کی جمع و تدوین کا تصور ایک ضعیف^۲ حدیث

عن ابن عباس ثم قال و روى ابن النجار عن ابی سعید بلفظ من حفظ علی امتی اربعین حدیثاً من سنّتی أدخلته یوم القيامة فی شفاعتی (ص ۱۶)۔

۲۔ و آتفق الحفاظ علی أنه حدیث ضعیف و ان کثرت طرقه — الشوری ص ۴۔
نیز دیکھیے ”کشف الظنون“۔ ملا علی القاری اس حدیث کے سلسلے میں لکھتے ہیں: قال ابن السبکی، ليس يروى من وجه ثبت۔ و قال الدارقطني: فی عله کل طرقه ضعاف، و البيهقي: اسانیده كلها ضعیفة (ص ۱۶)۔ و قال الحافظ ابو طاهر السلفی فی أربعینہ: روى من طرق وثقوابها و رکنوا اليها و عرفوا صحتها (ص ۱۷)۔

ہیں جن میں چالیس کے ۵ عدد کا ذکر آتا ہے۔ مثلاً:

سورۃ البقرۃ کی آیت نمبر ۱۰۵ — وَ اِذْ وَاَعَدْنَا مُوسٰى اَرْبَعِيْنَ لَيْلَةً
ثُمَّ اتَّخَذَ ثَمَّ الْعِجْلَ بَنٍ بَعْدِهِ وَاَنْتُمْ ظَالِمُوْنَ ۔

اور سورۃ الاعراف کی آیت نمبر ۱۴۲ — وَ وَاَعَدْنَا مُوسٰى ثَلٰثِيْنَ لَيْلَةً
وَاَتَمَمْنٰهَا بِعَشْرِ قَتَمٍ مِّمَّاتٍ رَبِّهِ اَرْبَعِيْنَ لَيْلَةً ۔۔۔

اسی طرح وہ احادیث نبویہ بھی جن میں عدد اربعین کا ذکر ہے،
تعداد میں کچھ کم نہیں ہیں، مثلاً:

۵۔ دیگر آیات قرآنیہ :- قال فانها محرمة عليهم اربعين سنة يتيهون في الارض
(المائدہ آیت ۲۶) حتی اذا بلغ اشده و بلغ اربعين سنة قال رَبِّ اَوْزِعْنِيْ اَنْ اُشْكِرَ نِعْمَتَكَ
التي اَنْعَمْتَ عَلَيَّ (الاحزاب آیت ۱۰)۔
احادیث نبویہ :

فیقرم علی جنازتہ اربعون رجلاً۔

و ما لبثہ فی الارض قال اربعون یوما۔

ما بین النفختین اربعون۔

مسیرۃ اربعین سنۃ۔

.... خیر لاهلہا من مطر اربعین لیلۃ۔

ما من اربعین من مؤمن یشفعون لمؤمن....

واربعین خریفاً۔

یجمع خلقہ فی بطن امہ اربعین یوماً۔

كانت النفس تجلس علی عهد رسول اللہ اربعین یوما۔

لم تقبل له صلوة اربعین صباحاً۔

من صلی للہ اربعین یوما فی جماعۃ۔

اذا بلغ الرجل المسلم اربعین سنۃ۔

وجالد.... اربعین۔

لکان ان یقف اربعین خیراً لہ (قرق حدیث ص ۹ - ۱۰)

سے یہ بات مخفی نہیں ہے کہ قرآن حکیم میں ایسی بہت سی آیات موجود

ولما کمل بایمان عمرہ عدد الاربعین من المؤمنین نزل قوله تعالى يا ايها
النبي حسبك الله ومن اتبعك من المؤمنين، و قد أفاد بشر الحا في رضى الله عنه
بقوله: يا أهل الحديث اعملوا من كل اربعين حديثاً بحديث (شرح اربعین نزوی ص ۱۰)
اس شرح کا آغاز اس طرح کرتے ہیں:

الحمد لله الذي جعل الاعداد والاقوات اعتبار اللانام، فخلق السموات والارض
في ستة ايام و حَمَر طينة آدم عليه الصلوة والسلام بيديه اربعين صباحاً في مقام
الاکرام و جعل اطوار خلقه افراد بنى آدم اربعين نقطة ثم اربعين علقۃ ثم
اربعين مضغة الى ان كسى اللحم فوق العظام، و واعد موسى عليه السلام اربعين
ليلة لميقات الكلام، و بعث نبينا صلى الله عليه وسلم بعد تكميل اربعين سنۃ
على سني اكثر الانبياء الكرام۔

حاجی خلیفہ کا بیان ہے کہ الشیخ الامام شمس الدین محمد بن احمد المعروف
بالبطال الیمنی المتوفی سنۃ ثلاثین وستمائة نے "الاربعون فی لفظ الاربعین"،
کے نام سے ایک رسالہ بھی مدون کیا تھا۔

Ency. of Religion and Ethics (ج ۹، ص ۴۰۶) کے آرٹیکل "Numbers" کے
تحت ہمیں درج ذیل بیان ملتا ہے:

"In the folklore of many people we find evidence of
peculiar sanctity attaching to certain numbers, notably 7,
10, 70 and in a lower degree, 3, 4, 5, 12, 40 and 100. In
Scripture we find that some of the Numbers are meant to
be taken representatively rather than determinatively.
The numbers 7, 10, 40, 100 are regarded as giving the
idea of completeness—a notion found in the Speculations
of Pythagoras, the Gnostics, and even St. Augustine."

مصرف جو بصورت دیگر بلا فائدہ گزر جاتے، مسلمانوں کی خدمت کا جذبہ، علم و ادب پر قدرت رکھنے اور اتباع سلف کا اظہار اور اس بارے میں اپنے دوستوں اور تلامذہ کی محبت و رغبت کی تحقیق، اساتذہ کا اپنے اسباق کے دوران ان احادیث سے استشہاد، اپنے خاص مکتب فکر یا طریقے کی نصرت و امداد، وقت کے اہم مسائل میں سے کبھی خاص مسئلے کے بارے میں تفصیلی آراء پر قدرت پانا، اور سب سے آخر میں کسی مخصوص فن سے متعلق ہونے، لوگوں میں قبولیت و پسندیدگی پیدا کرنے اور انعام و اکرام کے حصول کی فطری خواہش ۱۰۔

”الاربعون“ کی تدوین: ایک باقاعدہ علمی و ادبی صنف بننے سے پہلے چہل حدیث کی جمع و تدوین اور ان کی تشریح و توضیح محض ایک عام رسالہ یا کراسہ کی صورت میں شروع ہوئی تھی۔ پھر مرور ایام کے ساتھ ساتھ خصوصاً فارسی اور ترکی زبانوں میں ”الاربعون“ نے ایک ادبی تحریک کی شکل اختیار کر لی۔ چنانچہ ان دونوں زبانوں میں اس صنف ادب کے بعض منظوم شہ پارے بھی پائے جاتے ہیں۔

”الاربعون“ کی ابتداء حضرت عبداللہ بن المبارک^{۱۱} (دوسری صدی ہجری۔ آٹھویں صدی عیسوی) سے ہوئی، اور ابھی زیادہ وقت نہیں گزرنے پایا تھا کہ اس موضوع نے اہل علم و فضل کی توجہ کو اپنی طرف پوری ۱۰۔ دیکھئے: الاربعون حدیثاً فی الادب الاسلامی—ڈاکٹر عبدالقادر قرہ خان ص ۱۳۔

۱۱۔ عبداللہ بن المبارک بن واضح الحنفلی المروزی، ابو عبدالرحمن، الحافظ، شیخ الاسلام، صاحب التصانیف والرحلات (الاعلام، الزرکلی، الجزء الرابع ص ۲۵۶)، و هو الامام المجمع علی جلالته و امامتہ و فقاہتہ، فاند من اصحاب ابي حنيفة... و دي من التابعين زبدة العباد و فدرة الزهاد (القاری ص ۱۷) المتوفی سنة احدى و ثمانين و مائة (كشف الظنون)۔

اقرأ القرآن فی أربعین ۶ (قرآن مجید [کی تلاوت] کو چالیس دن میں ختم کرو)۔

بُعث رسولُ اللہ صلی اللہ علیہ وسلم أربعین سنة ۷ (رسول اللہ صلی اللہ علیہ وسلم کو چالیس سال کی عمر میں نبوت ملی)۔
تتف الابط أربعین یوما مرة ۸ (چالیس دن میں ایک بار بغلوں کے بال اکھیڑنا)۔

من احتکر طعاما أربعین لیلة فقد برى ۹ (جو شخص چالیس دن سے زیادہ تک غلے کا ذخیرہ کرے، اللہ سے اس کا کوئی تعلق نہیں)۔

”چہل حدیث“ کی جمع و ترتیب میں اس کے علاوہ بھی بعض عوامل کا پتہ چلتا ہے جن میں سے ہم بعض کا ذکر کریں گے۔

مادی اور معنوی عوامل: رسول اکرم صلی اللہ علیہ وسلم کی شفاعت اور نار جہنم سے نجات پانے کی آرزو، اچھی اچھی دعاؤں کے یاد کرنے اور آنحضرت صلی اللہ علیہ وسلم کے ذکر جمیل کی رغبت، ان اوقات کا بہترین

- ۶۔ رواہ الترمذی عن عبداللہ بن عمرو۔
- ۷۔ عن ابن عباس قال: بُعث رسولُ اللہ صلی اللہ علیہ وسلم لاربعین سنة فمکث بمكة ثلاث عشرة سنة یوحى الیه ثم أمر بالهجرة فهاجر عشر سنين و هو ابن ثلاث و ستم سنه۔ متفق علیہ۔ (مشکوٰۃ، باب المبعث و بدأ الوحی)۔
- ۸۔ حدیث الترقیت فی قلم الاظفار و تتف الابط و حلق العانة أربعین یوما۔ من حدیث انس۔۔۔ المعنی لزين الدين العراقي (فی حاشیة الاحیاء) ص ۱۲۳ الجزء الاول۔
- ۹۔ عن ابن عمر قال: قال رسول اللہ صلی اللہ علیہ وسلم من احتکر طعاماً أربعین یوما یرید به الغلاء فقد برى من اللہ و برى اللہ منه۔ رواه زرین۔ (مشکوٰۃ باب الاحتکار)

”الاربعون“ کی کل تعداد ۲۵۲ ہے جنہیں ۲۱۸ مؤلفوں نے مرتب کیا۔ ۱۷ اگرچہ ہمیں یقین ہے کہ یہ تعداد حقیقی تعداد سے بہت کم ہے، لیکن اس سے عربی زبان و ادب میں اس صنف خاص کی عظیم قدر و قیمت کا بخوبی اندازہ کیا جا سکتا ہے۔ نیز عالم اسلام کے بعض بڑے بڑے علماء مثلاً ابوبکر آلجری، ۱۸ الدارقطنی، ۱۹ ابوالقاسم القشیری، ۲۰ ابن ودعان، ۲۱

گزشتہ صفحہ سے پیوستہ

مصلح الدین محمد اللاری م ۵۹۷۹ - الشیخ احمد بن حجر الہیثمی م ۵۹۷۴ - نورالدین الایچی - ملا علی القاری م ۱۰۴۰ - الشیخ سراج الدین ابن الملن م ۸۰۴ - تخریج اربعین : امام شہاب الدین احمد بن علی بن حجر العسقلانی م ۸۵۲ (کشف الظنون کالم ۵۹ - ۶۰) -

علامہ ابن تیمیہ نے بھی ”اربعین“ تالیف کی تھی جو ”اربعون حدیثاً“ روایت شیخ الاسلام ابن تیمیہ کے نام سے طبع ہو چکی ہے (القاهرہ ۱۳۴۱ھ) - اس کی تخریج الحدیث الحافظ امین الدین محمد بن ابراہیم الرانی نے کی -

۱۷ - الاربعون حدیثاً فی الادب الاسلامی، ص ۱۵ - تفصیل کے لیے دیکھئے اسی کتاب کے صفحات ۷۲ تا ۸۷ -

۱۸ - محمد بن الحسین بن عبد اللہ آلجری، فقیہ شافعی، محدث، (آجر - قریة بغداد) (الاعلام، الجزء السادس، ص ۳۸) المتوفی بمكة سنة ستين وثلث مائة (کشف الظنون) -

۱۹ - علی بن عمر بن احمد بن مہدی، ابوالحسن الدارقطنی الشافعی، امام عصرہ فی الحدیث، (الاعلام - الجزء الخامس ص ۱۳) الحافظ البغدادی المتوفی سنة خمس وثلثین وثلث مائة (کشف الظنون) -

۲۰ - عبدالکریم بن ہوازن بن عبدالملک بن طلحة النیسابوری القشیری، زین الاسلام (الاعلام - الجزء الرابع ص ۱۸۰ - المتوفی ۶۵۴ھ) (کشف الظنون) -

۲۱ - محمد بن علی بن عیبد اللہ بن احمد بن صالح بن سلیمان بن ودعان الموصلی (الاعلام، الجزء السابع، ص ۱۶۳) و هو الفاضل - المتوفی ۹۴۴ھ (کشف الظنون) -

شد و مد کے ساتھ مبذول کر لیا ۱۲ - یہاں تک کہ تیسری صدی ہجری میں یہ فن اپنی انتہا کو جا پہنچا - چنانچہ وہ ”الاربعون“ ۱۳ جسے امام محی الدین النووی ۱۴ نے، جو کہ اس زمانے کے آخری مجتہد سمجھے جاتے ہیں، جمع کیا، اپنی قدر و قیمت، نشر و اشاعت، مسلمانوں میں اپنے رواج اور زمانہ حال تک لکھی جانے والی بے اندازہ شرحوں کے اعتبار سے اس خاص موضوع پر سب سے اہم کتاب مانی جاتی ہے - عربی میں اس تالیف کی اب تک پچاس ۱۵ شرحیں لکھی جا چکی ہیں جن کی اکثریت مشاہیر علمائے اسلام کی فکر و کاوش کا نتیجہ ہے ۱۶ -

۱۲ - وقد صنف العلماء رضى الله عنهم فى هذا الباب ما لا يحصى من المصنفات، فاول من علمته صنف فيه عبد الله بن المبارك (النووى - ”اربعون“، ص ۴) -
۱۳ - یہ بات قابل ذکر ہے کہ ”اربعین نووی“ بیالیس احادیث پر مشتمل ہے -
۱۴ - یحییٰ بن شرف بن مری بن حسن الحزامی الحورانی النووی الشافعی، ابوزکریا، محی الدین، علامہ بالفقه والحديث (الاعلام : الجزء التاسع ص ۱۸۴)، نوی قرية من دمشق الشام (القاری ص ۲) و هو الامام محدث الشام - المتوفی سنة ست و سبعين و ستمائة (کشف الظنون) -
۱۵ - الاربعون حدیثاً فی الادب الاسلامی ص ۱۵ - تفصیل کے لیے دیکھئے اسی کتاب (قرق حدیث) کے صفحات ۶۴ - ۶۶ -

۱۶ - حاجی خلیفہ نے حسب ذیل شارحین اربعین (نووی) کا ذکر کیا ہے:
الامام الحافظ عبدالرحمن بن احمد المعروف بابن رجب البغدادی الحنبلی م ۷۹۵ھ - نجم الدین عمر بن علی الفاکہی م ۷۳۰ھ - جمال الدین یوسف بن الحسن التبریزی م ۸۰۴ھ - الشیخ الامام ابو العباس احمد بن فرح الاشبیلی م ۶۹۹ھ - ابو حفص البلیسی الشافعی فرغ عنه فی ربيع الآخر سنة ۸۵۵ھ - برهان الدین ابراہیم بن احمد الخزیندی الحنفی م ۸۵۱ھ - احمد بن محمد الشیرازی الکازرونی - الشیخ زین الدین سرجا بن محمد الملطی م ۸۸۸ھ - الشیخ ولی الدین محمد الشبشیری - الحافظ مسعود بن منصور بن امیر سیف الدین العلوی - معین الدین بن صفی الدین م ۹۰۵ھ - انعلامہ باقی اگلے صفحہ پر

ادب کو بہت عظیم المرتبت جانا ہے۔ ۳۰

”الاربعون“ کی ایک خصوصیت یہ ہے کہ انہوں نے اپنے ابتدائی دور ہی سے عربی، فارسی اور ترکی ادبیات کی عقلی و فکری تحریک کو دینی رنگ میں رنگ دینے کی مساعیٰ جمیلہ کا فرض انجام دیا ہے۔ اس ضمن میں امام نووی کا یہ ارشاد قابل ذکر ہے :

”علماء میں سے بعض وہ ہیں جنہوں نے اصول دین سے متعلق چالیس احادیث جمع کیں، بعض نے فروعات سے متعلق، بعض نے

۳۔ امام نووی نے اس سلسلے میں حسب ذیل حضرات کے نام گنوائے ہیں :
عبد اللہ بن المبارک، محمد بن اسلم الطوسی العالم الربانی، ۵۲۴ م۔ الحسن بن سفیان النسوی م ۵۳۳۔ ابوبکر الآجری، ابوبکر محمد بن ابراہیم الاصفہانی م ۵۴۶۔ الدارقطنی، الحاکم م ۵۴۵۔ ابو نعیم الاصفہانی م ۵۴۳۔ ابو عبد الرحمن السلمی م ۵۴۲۔ ابوسعید المالینی م ۵۴۱۔ ابو عثمان الصابونی، عبد اللہ بن محمد الانصاری م ۵۴۱۔ ابوبکر البیہقی م ۵۵۸۔

و خلائی لا یحصرون من المتقدمين والمتأخرين۔

حاجی خلیفہ نے کشف الظنون (کالم ۵۲-۶۱) میں ۷۷ ”اربعینات“ کا ذکر کیا ہے، جن میں حسب ذیل مؤلفین بھی شامل ہیں : الشیخ شمس الدین محمد المعروف بالبطل الیمنی م ۵۶۳۔ ابوبکر الکلاباذی م ۵۳۸۔ ابوبکر الجوزقی م ۵۳۸۸۔ ابو الخیر زید بن رفاعہ، ابوسعید المہرانی۔ ابن الجزری م ۵۸۳۳۔ ابن طیارون۔ ابن المجیر۔ ابراہیم بن حسن المالکی م ۵۴۴۔ احمد بن حرب م ۵۴۳۔ البخاری۔ البرکلی ۵۹۶۔ بدر الدین التبریزی (املاھا ۶۰۱) قاسم بن الفضل الاصفہانی م ۵۴۸۹۔ ابو محمد الجرجانی۔ محب الدین الطبری م ۵۹۴۔ حسن بن سفیان النسوی م ۵۳۳۔ الخجندی۔ خویشاوند الطوسی۔ دلجی شمس الدین م ۵۹۴۔ عبد القادر رھاوی م ۶۱۲۔ ابواسماعیل الانصاری م ۵۴۸۱۔ یوسف بن محمد العبادی م ۵۷۶۔ محمد بن محمد الطائی م ۵۵۵۔ برہان الدین الطوسی۔ ابوبکر الجبائی م ۵۶۳۔ جمال الدین القلقشنندی م ۵۹۶۔ ابو عبد اللہ الفراء الشہرستانی م ۵۵۸۔ رضی الدین القزوینی۔ ابوالناسم السہمی۔ عقیف الدین الکازرونی۔ محمد بن ابراہیم المغربی۔ ابو الفتوح محمد بن محمد البخاری۔ جمال الدین ابوبکر الاندلسی م ۵۶۶۳۔ الملک مظفر صاحب الیمین۔ ابو سعد الكرمانی۔ نصر بن اسماعیل المقدسی م ۵۹۰۔ محمد بن عبد الحمید القرشی۔ امام فخر الدین الرازی۔ امام غزالی (رحمہم اللہ)۔

ابن عساكر، ۲۲ ابو طاهر السلفی، ۲۳ محی الدین ابن العربی، ۲۴ سعد الدین تفتازانی، ۲۵ ابن حجر عسقلانی، ۲۶ ابن حجر الہیثمی، ۲۷ جلال الدین سیوطی، ۲۸ علی القاری، ۲۹ وغیرہم۔ کا ان مؤلفین کی فہرست میں شامل ہونا اس بات کا بین ثبوت ہے کہ اسلامی دنیا نے اس صنف

۲۲۔ علی بن الحسن بن ہبہ اللہ، ابوالقاسم، ثناء الدین بن عساكر الدمشقی، المؤرخ، (الاعلام، الجزء الخامس، ص ۸۲) المتوفی ۵۷۱، جمع اربعینات منها۔۔۔ (کشف الظنون)۔

۲۳۔ احمد بن محمد بن سلفۃ الاصبہانی، ابو طاهر السلفی، حافظ مکثر، (الاعلام، الجزء الاول، ص ۹۰) شیخ الجماعة والمقدم فی الصناعة۔۔۔ المتوفی ۵۷۶ (کشف الظنون)۔

۲۴۔ محمد بن علی بن محمد ابن العربی، الحاتمی، الطائی، الاندلسی الملقب بالشیخ الاکبر، فیلسوف، ۵۶۰-۵۶۳۸۔ (الاعلام، الجزء السابع، ص ۱۷۰) جمعها بمكة سنة تسع و تسعين و خمس مائة (کشف الظنون)۔

۲۵۔ مسعود بن عمر بن عبد اللہ التفتازانی، سعد الدین، من أئمة العربية والبيان والمنطق، (الاعلام، الجزء الثامن، ص ۱۱۳) المتوفی سنة ۵۹۱ (کشف الظنون)۔

۲۶۔ احمد بن علی بن محمد الکنانی العسقلانی، ابن حجر، من أئمة العلم والتاريخ (الاعلام۔ الجزء الاول ص ۱۷۳) المتوفی اثنتین و خمسين و ثمانمائة (کشف الظنون)۔

۲۷۔ احمد بن محمد بن علی بن حجر الہیثمی، السعدی، الانصاری، شہاب الدین، شیخ الاسلام، فقیہ باحث مصری، (الاعلام، الجزء الاول، ص ۲۲۳) المتوفی سنة ۵۹۷ (کشف الظنون)۔

۲۸۔ عبد الرحمن بن ابی بکر بن محمد بن سابق الدین الخضیری السیوطی، جلال الدین، امام، حافظ، مؤرخ، ادیب، لہ نحو ۶۰۰ مصنفات۔ (الاعلام، الجزء الرابع، ص ۱۷۱) المتوفی سنة ۵۹۱ جمع اربعینات منها۔۔۔ (کشف الظنون)۔

۲۹۔ علی بن محمد سلطان الہروی، المعروف بالقاری، نور الدین، فقیہ حنفی، (الاعلام، الجزء الخامس، ص ۱۶۶) المتوفی سنة ۶۰۴ (۱۰۱۴) (کشف الظنون)۔

یہی دو مقاصد ان رسائل کی تالیف میں بھی کام کر رہے تھے جن میں امام علی رضی اللہ عنہ کے مناقب اور آپ کی امامت کے سلسلے میں احادیث کو جمع کر دیا گیا ہے، ۳۳ ان رسائل کی غرض و غایت اہل سنت اور اہل تشیع کے مابین قائم شدہ نزاع میں شیعہ سیاسی نظریات کی ترویج تھا۔

”چہل حدیث“ کے مؤلفین کی فہرست میں فراوی، ۳۴ احمد رومی، ۳۵ ایچی ۳۶ وغیرہ شامل ہیں۔ یہ صنف ادب نویں صدی ہجری (پندرھویں صدی عیسوی) میں مشہور صوفی شاعر عبدالرحمن جامی ۳۷ کے ہاتھوں

۳۳ - حضرت علی رضی اللہ عنہ اور اہل بیت کے اوصاف و مناقب کے بیان میں بے شمار تالیفات ملتی ہیں۔ اس قسم کی کتابوں کے مؤلفین عموماً شیعہ علماء ہیں اور یہ کتابیں ایران میں بکثرت لکھی گئیں۔ (نمونہ دیکھیے فہرست کتابخانہ آستانہ قدس رضوی)۔

۳۴ - محمد بن محمد بن علی الفراوی الحریمی، ”طیب القلوب“، ترجمہ: ۵۰۰/۱۱۰۷، قرق حدیث ص ۹۳۔

۳۵ - احمد بن محمد الرومی الحنفی، م ۱۳۱۷/۷۱۷ (”ام الكتاب“) ایضاً، ص ۹۵ - (صنف القول الاصول فی الحكم بالصحة والموجب - ہدایۃ العارفين، اسماؤ المؤلفین و آثار المصنفین، جلد اول کالم ۱۰۴)۔

۳۶ - نورالدین محمد بن عبداللہ الایچی (شرح المسمی سراج الطالبین و منہاج العابدین و هو شرح فارسی فی مجلد کشف الظنون کالم ۶۰ - ”قرق حدیث“ میں ایچی کا نام ابو عبداللہ محمد الحسینی الایچی، اور اس کی تالیف کا نام ”سراج الطالبین و منہاج الراغبین فی شرح احادیث الاربعین“ لکھا ہے۔ دیکھیے ص ۹۸ (ترجمہ: ۷۶۳/۱۳۶۳)۔

۳۷ - نورالدین عبدالرحمن بن نظام الدین احمد بن شمس الدین محمد دشتی اصفہانی، معروف و متخلص بجامی۔ متولد ۲۳ شعبان ۸۱۷ھ، متوفی مجرم ۸۹۸ھ۔ (فہرست آستانہ قدس رضوی جلد چہارم ص ۹۹) جامی کی اس تالیف کو مختلف ناموں سے پکارا گیا ہے: ترجمہ چہل حدیث (ایضاً جلد پنجم ص ۴۳) - ”اربعین جامی، اربعون حدیث، چہل حدیث، ترجمہ اربعین حدیث، ترجمہ: ۱۳۸۱/۸۸۶، قرق حدیث، ص ۱۲۶ - نیز دیکھیے: اسی کتاب کے صفحات ۱۰۰-۱۰۶۔

جہاد کے بارے میں، بعض نے زہد و تقویٰ سے متعلق، بعض نے اخلاق و آداب سکھانے والی اور بعض نے وعظ و نصیحت کی حامل، ۳۱۔

صاحب کشف الظنون کا کہنا ہے:

اس باب میں علماء نے اتنی تالیفات کی ہیں جن کا شمار نہیں کیا جا سکتا، اور ان کتابوں کی تالیف اور جمع و ترتیب میں ان کے پیش نظر مختلف مقاصد رہے ہیں۔ ان میں سے بعض ایسے ہیں جنہوں نے صرف توحید اور اثبات صفات باری سے متعلق احادیث جمع کر دیں۔ بعض وہ ہیں جنہوں نے احادیث احکام کے ذکر کا قصد کیا، بعض نے فقط عبادات کو بیان کرنے والی احادیث پر اکتفا کیا۔ کچھ نے ہند و نصائح اور زہد کی حدیثوں کا انتخاب کیا۔ کئی لوگوں نے فقط اس بات کو مدنظر رکھا کہ ان احادیث رسولؐ کی تخریج کی جائے جن کی اسناد صحیح ہیں اور طعن سے پاک ہیں۔ کچھ ایسے بھی ہیں جنہوں نے بلندترین اسناد کا قصد کیا۔ بعض نے لمبی متن والی احادیث کی تخریج کو پسند کیا اور ہر ایک نے اپنی تالیف کا نام ”کتاب الاربعین“ رکھا۔ ۳۲

فارسی میں ”چہل حدیث“

”چہل حدیث“ کا ظہور فارسی میں دو بنیادی اثرات کے تحت ہوا۔

دینی اثر اور ادبی اثر۔

۳۱ - النووی، ص ۶۔

۳۲ - کشف الظنون، المجلد الاول، کالم ۵۲۔

لوگوں نے ان کی شرحیں بھی لکھیں،^{۳۲} جیسے اربعین نووی و بہاء الدین
العاملی^{۳۳} کا ترجمہ و تشریح۔

ڈاکٹر عبدالقادر قرہ خان کا بیان ہے کہ: ہم رسائل ”چہل حدیث“
کے چھیالیس مترجمین و شارحین کو جانتے ہیں جن میں سے چودہ مجہول

۳۲۔ تفصیل کے لیے دیکھیے: قرق حدیث، ص ۹-۱۲۶۔

”فہرست کتابخانہ آستانہ قدس رضوی“، جلد پنجم میں بعض ایرانی فضلا
کی تالیف کردہ اربعینیات کا ذکر کیا گیا ہے۔ اس سلسلے میں مخطوطہ نسخوں کے
لیے اس فہرست کے صفحات ۱۰ تا ۱۶ اور مطبوعہ مؤلفات کے لیے صفحات ۲۱۳ تا
۲۲۰ دیکھنے چاہیے۔

بعض مؤلفین کے نام درج ذیل ہیں: عماد الدین حسن بن علی طبرسی (ساتویں
صدی)، شمس الدین ابو عبد اللہ محمد بن جمال مکی نبطی عاملی معروف بشہید اول
۵۸۶ھ۔ شیخ عزالدین حسینی پدر شیخ بہائی، مولانا محمد نصیر از افاض امامیہ،
شیخ علی بن حسین عاملی حارثی ہمدانی (بارہویں صدی) شیخ۔۔۔ حسکارازی متوفی پس از
۵۸۵ھ۔ امیر فیض اللہ حسینی تفریشی م ۱۰۲۵ھ (اربعین فی احوال النصاب والمخالفین
(عربی) کتاب حاوی چہل حدیث وارد در مثالب و احوال ناصبیان و معاندان خاندان
عصمت علیہم السلام است) علامہ مجلسی، میرزا محمد علی قرچہ داغی، میرزا ابراہیم
بن حسین دہلی م ۱۳۲۵، شیخ عباس قمی، میرزا محمد بن محمد تقی م ۱۳۴۱،
(اربعین الحسینیۃ)، حاجیہ نصرت خانم (اربعین المہاشیہ - عربی) قاضی محمد سعید قمی
(شرح اربعین) (ص ۲۷۹) میرزا محمد رضا واعظ تہرانی م ۱۳۲۶ (شرح اربعین)
(ص ۲۸۰)۔

۳۳۔ بہاء الدین محمد بن حسین عاملی، م ۱۰۳۰/۱۶۲۱، قرق حدیث ص
۱۱۶، (اربعون حدیثا من طرق اہل بیت، ایضاً، ص ۷۷)۔

”اربعین شیخ بہائی (عربی)۔ مؤلف ابن کتاب حضرت شیخ بہاء الدین عاملی
است۔۔۔ ابن خاتون در زمان حیات مؤلف آنرا بفارسی ترجمہ بسیار خوبی کردہ و
موسوم بترجمہ قطب شاہی است“ فہرست کتابخانہ مدرسہ عالی سپہ سالار۔ جلد اول،
ص ۱۹۹-۲۰۰۔

حد کمال تک جا پہنچی جب کہ انہوں نے چالیس احادیث نبوی کا منظوم
فارسی میں ترجمہ کیا، ان کی یہ تالیف ”اربعین جامی“ یا ”ترجمہ چہل
حدیث“ کے نام سے مشہور ہے، حدیث نبوی لَا یُؤْمِنُ أَحَدُکُمْ حَتَّى یَحِبَّ
لَاخِیْہَ مَا یَحِبُّ لِنَفْسِہِ^{۳۸} کا ترجمہ جامی نے اپنی اس رباعی میں پیش
کیا ہے:

ہر کسے را لقب مکن مومن گرچہ از سعی جان و تن کاہد
تا نخواہد برادر خود را آنچه از بہر خویشتن خواہد^{۳۹}

اسی زمانے میں فصیح بن عبدالکریم بن النظامی نے ”مجمع
العینین“ کے نام سے ایک مجموعہ احادیث مدون کیا۔ سولہویں صدی
عیسوی میں فارسی نظم و نثر پر مشتمل ”چہل حدیث“ کے رسائل میں
جس شاندار تالیف کا اضافہ ہوا وہ کاتب شہیر حسین واعظ کاشفی کا
الرسالة العلیة فی الاحادیث النبویة^{۴۱} ہے جو اس موضوع کی سب سے اعلیٰ
و ارفع مثال ہے۔

اسی طرح بہت سے لوگوں نے ”الاربعون“ کے موضوع پر تالیف کردہ
عربی کتابوں کا ترجمہ کرنے کا سلسلہ بھی جاری رکھا اور بہت سے

۳۸۔ اربعون (نووی) الحدیث الثالث عشر۔

(عن ابی حمزہ انس بن مالک رضی اللہ عنہ خادم رسول اللہ صلی اللہ علیہ وسلم
عن النبی صلی اللہ علیہ وسلم قال:۔۔۔ رواہ البخاری و مسلم)

۳۹۔ قرق حدیث، ص ۱۰۲۔

۴۰۔ قرق حدیث، ص ۵۷، ۱۲۶۔

۴۱۔ الرسالة العلیة فی الاحادیث النبویة۔ فارسیۃ لحسین بن علی الکاشفی البواعظ
البہقی المتوفی ۹۱۰ھ۔ جمع فیہا اربعین حدیثا جامعاً لا کثر اصول العبادات، و رتبہ
علی ثمانیۃ اصول۔۔۔ ترجمہا مولانا کمال الدین محمد بن طاش کبری زادہ المتوفی
سنہ ۱۰۳۰ھ للسلطان احمد و ذکر ان المصنف جمعه لتقیب عصرہ شمس الدین ابی
المعالی۔۔۔ (کشف الظنون کالم ۸۷۸-۹)۔ نیز دیکھیے: قرق حدیث، ص ۱۰۹۔

کے رسائل ہیں۔ بعض ترک ادیبوں، مثلاً ادریس البتلیسی، ۵۳ بروسی، ۵۴ اوزبک ولی الدین ۵۵ وغیرہم نے فارسی میں بھی اس موضوع پر رسائل تالیف کیے، لیکن ادبی و تعلیمی قدر و قیمت کے لحاظ سے یہ رسائل اس مقام کے حامل نہیں ہیں جو ترکوں نے اپنی اصل زبان میں مدون کیے۔

”الاربعون“ کے تراجم و شروح کے سلسلے کا آغاز ترکی ادبیات میں چودھویں صدی عیسوی سے ہوتا ہے۔

پندرھویں، سولہویں، سترھویں صدیوں اور اٹھارویں صدی کے نصفِ اول میں ان مؤلفات کا شمار دینی و ادبی صنف کی حیثیت سے ہوتا تھا، اور جیسا کہ ڈاکٹر قرہ خان نے لکھا ہے ۵۶—ترکی زبان کے ہر بڑے شاعر نے اپنے زمانے میں بطور مذاقِ ادبی یا بحیثیت فریضہ یا اس وجہ سے کہ یہ اس عہد کی ایک رسمِ عام بن چکی تھی، الاربعون کی ترتیب و تدوین میں کچھ نہ کچھ حصہ ضرور لیا۔ چنانچہ ممتاز ترک شعراء مثلاً نوائی، ۵۷

۵۳-۴۲۷/۱۵۲۱ (چہل حدیث) ایضاً، ص ۱۱۱-۱۱۳۔

۵۴-الرومی۔ (ترجمہ ۱۵۴۳/۹۵۰) (چہل حدیث) ایضاً، ص ۱۱۳۔

۵۵-عبدالولی بن مولوی محمد تیمور۔ (ترجمہ ۱۷۶۱-۱۱۷۳) ایضاً، ص ۱۱۸-۱۲۰۔

۵۶-الاربعون حدیثا فی الأدب الاسلامی، ص ۱۷۔

۵۷-علی شیر ۱۵۰۱-۱۴۴۱-قرق حدیث، ص ۲۹، ۱۵۳-۱۴۹۔

ہیں۔ اس کے باوجود ہمیں یقین ہے کہ اس قسم کے بے شمار رسائل ادھر ادھر نامعلوم جگہوں پر بکھرے پڑے ہیں جن کا ہمیں علم نہیں ہو سکا۔ ۵۸

”الاربعون“ ترکی ادبیات میں

ڈاکٹر قرہ خان اپنی ترکی تصنیف ”قرق حدیث“ ۵۹ میں لکھتے ہیں : ترک ہی وہ قوم ہیں جنہوں نے ”الاربعون“ کے تراجم اور شروح میں ادبی نقطہ نظر سے دوسرے لوگوں کی نسبت بڑھ چڑھ کر حصہ لیا اور اس موضوع پر منظوم نتائج فکر کا ان سے ظہور ہوا۔ چنانچہ عثمانی ادب نگاروں، خصوصاً ان کے علماء نے ”چہل حدیث“ کی طرف خاص طور پر توجہ دی۔ اس سلسلے کی بہترین مثالیں جمال الدین الاقسرائی، ۶۰ ابن کمال پاشا، ۶۱ لطفی پاشا، ۶۲ طاش کو پری زادہ، ۶۳ البرکوی ۶۴ اور آفکرمانی ۶۵ وغیرہ

۵۸-الاربعون حدیثا فی الأدب الاسلامی ص ۱۶۔

۵۹-”قرق حدیث“۔

۶۰- (الاربعون حدیثا فی الأدب الاسلامی مطبوعہ استنبول ۱۹۵۴ء) ص ۱۷-۱۶۔

۶۱- مؤلف ”اربعون حدیثا من بین الاحادیث القدسیة“ قرق حدیث ص ۷۔ (غالباً

پندرھویں صدی عیسوی کے عالم ہیں۔ ایضاً ص ۷۷) کشف الظنون کالم ۵۸۔

۶۲-شمس الدین احمد بن سلیمان المتوفی سنہ ۹۴۰ جمع ثلاث اربعینیات و

شرحها و اختار ما جزل لفظه و حسن فقرته و لیس کل منها اربعون حدیثا بل بعضها

عشرون (کشف الظنون کالم ۵۸)۔

۶۳-۴۲۷/۱۵۲۱-قرق حدیث ص ۶۷۔

۶۴-اربیعین طاش کویری زادہ۔۔۔ احمد بن مصطفیٰ الرومی المتوفی ۹۶۳۔۔۔

جمع فیہ مایصدر عنه علیہ السلام من المزاح و المطایبة۔۔۔ (کشف الظنون)۔

۶۵-محمد بن پیر علی۔ (مؤلف : اربعون حدیث)۔ ایضاً، ص ۷۵، (الاربیعین برکلی

و هو الشیخ۔۔۔ الرومی المتوفی ۹۶۰ کشف الظنون)۔

۶۶-محمد بن مصطفیٰ۔ ۱۱۶۰/۱۷۷۷-قرق حدیث ص ۲۶۱۔

اسمعیل حقّیؒ اور مستقیم زادہ سعد الدینؒ کے نام خاص طور پر قابل ذکر ہیں۔

اور اس طرح یہ تحریک ہمارے عہد تک مسلسل چلی آ رہی ہے اور اس صنف ادب میں متواتر بہت سی قابل اعتبار تالیفات منصہ شہود پر آئی ہیں اور لوگوں میں شہرتِ دوام حاصل کر چکی ہیں۔

”چہل حدیث“ کے موضوع پر جو کہ بڑی اہمیت کا حامل ہے، جس پر صدیاں گزر چکی ہیں اور جس کی تعلیم کے ذریعے بے شمار لوگوں نے سیدھی راہ پائی ہے۔ یہ بیان بطور مشترع نمونہ از خروارے ہے، اور یقیناً علم نور اور ہدایت ہے۔ ۷۶ (عربی متن: پروفیسر وکٹر الکک، بیروت)

۷۴- (ترجمہ) ۱۱۳۷/۱۷۲۴، ایضاً ص ۶-۲۴۳

۷۵- (ترجمہ) ۱۲۰۰/۱۷۸۶، ایضاً ص ۲۹۴ نیز ص ۲-۲۵۰

۷۶- برصغیر پاک و ہند میں بھی ”اربعینات“ کے موضوع پر تالیفات ملتی ہیں۔ اس ضمن میں مندرجہ ذیل نام قابل ذکر ہیں:

- ۱- شاہ ولی اللہ صاحب دہلوی کی اربعین۔
- ۲- اربعون حدیثاً فی فضائل الحج والعمرة: نواب صدیق حسن خان۔
- ۳- اربعین فیضانی: مرزا عزیز فیضانی داراپوری، (انتخاب چہل حدیث مع منظوم ترجمہ اردو)۔
- ۴- اربعین ثنائیہ: مولانا ثناء اللہ امرتسری (مع اردو ترجمہ)۔
- ۵- اربعین نبویہ: مولانا ابراہیم میر سیالکوٹی (مع اردو ترجمہ و حواشی)۔
- ۶- جوامع الکلم (چہل حدیث): مولانا مفتی محمد شفیع دیوبندی (مع اردو ترجمہ)۔
- ۷- چہل حدیث: منتخبہ و مترجمہ مولوی محمد عبدالکریم (مطبوعہ دہلی ۱۳۳۱ھ)۔

۸- سلسلہ چہل حدیث: محمد حفیظ اللہ ٹونکی (عورتوں کے لئے احادیث کا مجموعہ، مطبوعہ آگرہ)۔

۹- اربعین نووی: ترجمہ اردو از حافظ نذر احمد و عزیز زبیدی۔

۱۰- اربعین جامی: اردو منظوم ترجمہ از مولانا ظفر علی خان۔

۱۱- جمع الاحادیث الاربعین فی ابواب علوم الدین: شیخ عبدالحق محدث دہلوی۔

۱۲- ترجمہ الاحادیث الاربعین فی نصیحة الملوك والسلطانین: ایضاً۔

۱۳- اربعین من احادیث سید المرسلین (مع اردو ترجمہ): مولوی سید ممتاز علی۔

۱۴- اربعین: حضرت مجدد الف ثانی۔

فضولیؒ، خاقانیؒ، ۵۹ نابیؒ، ۶۰ تائبؒ اور منیفؒ نے ”چہل حدیث“ کے سلسلے میں اپنی اپنی یادگاریں چھوڑی ہیں۔

ان کے علاوہ سولہویں صدی میں مثلاً حزینیؒ، اصولیؒ، نوعیؒ، عاشق چلبیؒ، ۶۶ عالیؒ، ۶۷ رحلتیؒ، ۶۸ سترہویں صدی میں کفہلیؒ، فیضیؒ، ابن طاش کوپری زادہؒ، ۷۰ اوقچیؒ زادہ محمدؒ اور آنقرہ لی اسماعیل رسوخیؒ اور اٹھارویں صدی میں اسحق خواجہ سی احمدؒ، ۷۳ بروہہ لیؒ

۵۸- م ۱۵۵۶/۹۶۳، ایضاً ص ۱۷۲-۱۶۷

۵۹- (ترجمہ) ۱۰۱۲/۱۶۰۳، ایضاً ص ۲۰۳-۱۹۷

۶۰- یوسف، م ۱۱۲۴/۱۷۱۲، ایضاً ص ۲-۲۳۰

۶۱- عثمان زادہ، (ترجمہ) ۱۱۲۰/۱۷۰۸، ایضاً ص ۲۳۹-۲۳۷

۶۲- (ترجمہ) ۱۱۳۶/۱۷۳۳، ایضاً ص ۴۹-۲۴۶

۶۳- (ترجمہ) ۱۱۵۰/۹۳۰، ایضاً ص ۶۲-۱۵۴

۶۴- م ۱۵۳۸/۹۴۵، ایضاً ص ۴-۱۶۲

۶۵- (ترجمہ) ۱۱۵۶/۹۷۷، ایضاً ص ۴-۱۷۲

۶۶- نطاعی، (ترجمہ) ۱۱۵۷/۹۷۹، ایضاً ص ۸-۱۷۵

۶۷- (ترجمہ) ۱۱۵۹/۱۰۰۵، ایضاً ص ۷-۱۸۳

۶۸- رحلتی- سولہویں صدی- ایضاً ص ۶-۱۹۲

۶۹- فیضی کفوی- م ۱۱۶۱/۱۰۲۵، ایضاً ص ۱۴-۲۰۷

۷۰- مولانا کمال الدین محمد بن طاش کوپری زادہ م ۱۱۳۰ھ - (?)

(کشف الظنون، کالم ۹-۸۷۸)

۷۱- م ۱۱۶۳/۱۰۳۹، قرق حدیث ص ۲۲-۲۱۸، ”احسن الحدیث“ و هو

شرح الاربعین بالترکیة للا میر الفاضل۔۔۔ من مشاہیر کتاب الروم۔۔۔۔۔ جمع

فیہ ما وافق الوزن من المتون۔۔۔ کشف الظنون کالم ۱۷-)

۷۲- م ۱۱۶۳/۱۰۴۱، قرق حدیث ص ۷-۲۲۳

۷۳- آفندی، (ترجمہ) ۱۱۲۰/۱۷۰۸، ایضاً ص ۴۱-۲۳۹

١١ - امام غزالي

احياء علوم الدين (الجزء الاول) مع
تخريج لزين الدين العراقي -

١٢ - اسماعيل باشا البغدادي

هدية العارفين اسماء المؤلفين و
آثار المصنفين - استانبول ١٩٥١ع -

١٣ - الجامع الترمذي (ابواب القراءة) -

مأخذ

١ - مصطفى بن عبدالله الشهير

كشف الظنون عن أسامي الكتب
و الفنون المجلد الاول -

بحاجي خليفه و بكاتب چلبى

٢ - الامام يحيى بن شرف الدين

الاربعون - مصر ١٣٥٠هـ -
النووى

٣ - ذا كثر عبدالقادر قره خان

الاربعون حديثاً فى الادب الاسلامى -
(فرق حديث KIRK HADIS
استنبول ١٩٥٣ع -

٤ - ملا على القارى

كتاب المبين المعين لفهم الاربعين -
الاعلام (عشرة اجزاء) -

٥ - الزركلى، خير الدين

٦ - مشكوة المصابيح

٧ - فهرست كتابخانه مدرسه على سیه سالار - (جلد اول)

٨ - الدكتور صلاح الدين المنجد

”أربعينيات ابن عساكر“ (الدراسات
الادبية - الجامعة اللبنانية،
بيروت - السنة السادسة العددان
٣، ٤) -

٩ - فهرست كتابخانه آستانه قدس رضوى (جلد چهارم، پنجم) -

١٠ - Ency. of Religion and Ethics، ج ٩ -

UNITED NATIONS DISCUSSIONS ON ASYLUM AS AN INTERNATIONAL HUMAN RIGHT*

HAMID H. KIZILBASH

The question of asylum has been the subject of prolonged consideration by members of the United Nations Commission on Human Rights as well as the Third Committee of the General Assembly.¹ Delegates expressed an early interest in recognising and establishing more firmly the humanitarian practice of giving refuge to the persecuted.²

Three separate efforts at establishing the right to asylum can be distinguished in the work of the Commission. The first involved the inclusion

*This article is based on the records of the United Nations Commission on Human Rights and the Third Committee of the U.N. General Assembly. Documents of the Commission are cited as E/CN. 4/ and the official Records of the General Assembly as GAOR. This article forms part of a broader study investigating the role of international law in United Nations discussions on Human Rights. The author wishes to acknowledge his debt to Professor Robert R. Wilson of Duke University and members of the Human Rights Division of the United Nations Secretariat for the generous help rendered in the preparation of this study.

1. Consideration of this subject began at the fifty-sixth meeting, Third Session (June 1948), of the Commission and has spanned a period of twelve years to the adoption of a Draft Declaration on the Right of Asylum at the Sixteenth Session (March 1960). The Third Committee also took up the question of asylum in 1948 (121st meeting), and has yet to finish consideration of the Draft Declaration which was last discussed at the 1256th meeting (November 1963).

2. The most recent and comprehensive study of the right of asylum is made by Manuel R. Garcia-Mora, *International Law and Asylum as a Human Right* (Washington, 1956) (hereafter cited as *Asylum*.) Some recent short articles on the subject are Alona E. Evans, "Reflections Upon the Political Offense in International Practice," *American Journal of International Law* (hereafter *A.J.I.L.*), 57 (1963), pp. 1-24; Henry P. DeVries and Jose Rodriguez Novas, "Territorial Asylum in the Americas: Latin America Law and Practice of Extradition," *Inter-American Law Review*, 5 (1963), pp. 61-89; S. A. de Smith, "Political Asylum and the Commonwealth," *Parliamentary Affairs*, 16 (1963), pp. 396-403; S. K. Chatterjee, "Asylum and National Sovereignty," *The Calcutta Review*, 161 (1961), pp. 1-30.

of an article in the Universal Declaration of Human Rights (hereafter referred to as the Declaration), the second was concerned with the Draft International Covenants on Human Rights and the third took the form of a separate Declaration on the Right of Asylum.³ For reasons which will be discussed below, the Commission was unable to include an article on asylum in the draft covenants. Efforts to put an article on asylum in the Universal Declaration did meet with success. The fate of the Draft Declaration on a Right to Asylum remains to be determined.

Asylum is defined as "the protection which a State grants on its territory or in some other place under the control of certain of its organs, to a person who comes to seek it."⁴ International law recognises the right of the State to grant asylum but does not compel it to do so. Thus, an alien does not have the right to demand that the State, into whose territory he has entered with the intention of escaping persecution in some other State, grant him protection and asylum.⁵ As one observer, when referring to the

3. See the text of the article on asylum in the Universal Declaration on Human Rights, in Nehemiah Robinson, *The Universal Declaration of Human Rights* (New York, 1958), p. 149. For a text of the Draft Declaration on the Right of Asylum, see *Official Records of the Economic and Social Council*, Sixteenth Session, Supplement No. 8.

4. This definition is given by the Institute of International Law in a resolution, adopted in September 1950, on *Asylum in Public International Law*; see Supplement to the *A.J.I.L.*, 45 (1951), pp. 15-8. Compare Garcia-Mora's definition: "The term asylum is used to designate the protection which a State grants to a foreign citizen against his own government," *Asylum*, p. 1; or that of J. B. Moore as "right of the government either to grant or to withhold the privilege of residence within its territory," *A Digest of International Law*, Vol. II (Washington, 1906), p. 757 (hereafter cited as *Digest*). It may be noted that no definition of the term "asylum" appears in the Universal Declaration or the Draft Declaration adopted by the Commission in March 1960.

5. The question of whether or not the individual has the right to be granted asylum was given detailed consideration by the Commission. Observers generally agree that there is no such right. See L. Oppenheim, *International Law, A Treatise*, 8th ed., Edited by Hersch Lauterpacht (London, Longmans, 1955), Vol. I, p. 677 (hereafter cited as Lauterpacht, *Oppenheim's International Law*). In this connection, J.B. Moore has pointed out that originally asylum was a right of the fugitive to seek out the privileged place of refuge where superstition and custom placed him outside the reach of the prosecutors. This notion disappeared with the development of greater intercourse between States and the improvement in the administration of justice. See *Digest*, Vol. II, p. 757. On this point, see also Garcia-Mora, *Asylum*, pp. 7-19; and A.E. Balbastro, "The Right of Diplomatic Asylum," *Philippine Law Journal*, 34 (1959), pp. 346-8.

individual's right to territorial asylum, has put it: "Since the right of asylum in these latter cases can hardly be said to be recognized in international law, its practice wherever resorted to must of necessity be at the tolerance of the local State."⁶ Once asylum has been granted, unless an extradition treaty provides otherwise, no State is obliged by international law to expel the fugitive or deliver him up to the prosecuting State.⁷ While specific rules or uniform State practice are lacking on who is entitled to asylum, political offenders and fugitives from religious persecution are the most common recipients of asylum. There is also some support for the view that States are responsible for the subsequent behaviour of the person granted asylum.⁸

Before undertaking an analysis of the work of the Commission, three more points deserve mention. First, for the most part the Commission was largely concerned with the question of territorial asylum rather than diplomatic asylum.⁹ Second, the work on the right to asylum was

6. See G.H. Hackworth, *Digest of International Law* (Washington, 1944), p. 622 (hereafter cited as Hackworth, *Digest*). In this connection Lauterpacht, in *Oppenheim's International Law*, has pointed out that the constitutions of a number of countries expressly grant the right of asylum to persons persecuted for political reasons, but it cannot yet be said that such a right has become a general principle of law recognised by civilised States and, as such, forming part of international law; see p. 677. For arguments in defence of the right of the individual to be granted asylum, see Garcia-Mora, *Asylum*, pp. 161-7.

7. Lauterpacht, *Oppenheim's International Law*, p. 677.

8. *Ibid.*, p. 678. In it the view is expressed that: "It is the duty of every state to prevent individuals living on its territory from endangering the safety of another State by organizing hostile expeditions or by preparing common crimes against its head, members of its government or its property." Compare Article 2 of the Resolutions of the Institute of International Law on Asylum in Public International Law which provides that: "The State incurs international responsibility for the actions of the refugee only in the same conditions in which it would be responsible for the actions of any other person living in its territory," *A.J.I.L.*, Supplement 45 (1951), p. 16.

9. Territorial asylum is granted within the territorial jurisdiction of the State as distinguished from asylum granted in embassies, legations, consulates, or warships and merchant vessels situated in foreign territory.

undertaken with an awareness that it was desirable to place on a more solid foundation the existing practice of States, without which some people could not enjoy the other fundamental human rights. Third, of particular concern to the delegates, was the plight of the large masses of people who were forced to leave their home country and seek refuge abroad due to persecution.¹⁰

"The bill of human rights would mean little to those who most eagerly awaited it, if the right to asylum, in principle, was not included."¹¹ With this reminder before it, the Commission began work on the right to asylum at its Third Session (June 1948). The drafting committee had prepared the following version of an article on asylum: "1. Everyone has the right to seek and may be granted in other countries asylum from persecution. 2. Persecutions arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations do not constitute persecution."¹² The second paragraph of this draft article did not give rise to much debate and was easily adopted by the Commission.¹³ On the other hand, the first paragraph was debated at length. The basic difference of opinion existed between those delegates who felt that a general statement of the principle of asylum was sufficient, and others who felt that some mention of international responsibility regarding the right to asylum was also

10. On this point, see the statement of the delegate of Lebanon, E/CN.4/SR.620, p. 13. Also see the statement of the delegate of China, E/CN.4/SR.651, p. 8.

11. This statement was made by the representative of the World Jewish Congress; see E/CN.4/SR.56, p. 8.

12. See the Report of the Drafting Committee on Human Rights, E/CN.4/95. In the first draft of an International Bill of Rights as prepared by the Secretariat, no mention of the individual was made. It decided that "every State has the right to grant asylum to political refugees". See E/CN.4/21, Annex A. A revision by the Drafting Committee which never came before the Commission read: "Everyone has the right to escape persecution on grounds of political or other beliefs or on grounds of racial prejudice by taking refuge in the territory of any State willing to grant him asylum." Ibid, Annex E.

13. E/CN.4/SR.56, p. 12.

necessary.¹⁴ In this connection, the Commission also debated the existence of a right to be granted asylum and the qualifications or restrictions that may be placed on the right to asylum.

The concept of international responsibility for asylum was suggested by the delegate of France and had the support of some other delegations including Belgium and Lebanon.¹⁵ The French delegate proposed that "the United Nations acting in agreement with member States is bound to secure this asylum" should be added to the first paragraph of the article on asylum.¹⁶ In support of this proposal he pointed out that difficulties arose in the implementation of the right to asylum although it was recognised in the constitutions of most States. The question of who would be responsible for ensuring that the right to asylum would be granted remained unsolved. The French delegate impressed upon the Commission the need for the whole world, and not just the geographically proximate State, to be responsible in matters of asylum.¹⁷ Those who were opposed to making asylum a matter of international responsibility had two major objections. Some delegations, the United Kingdom and the United States in particular, felt that by including such a provision in the Declaration the Commission might prejudice the work of other agencies.¹⁸ The Soviet Union and certain other delegations opposed the French proposal on the grounds that a provision on international responsibility would be against the Charter of the United Nations and would constitute an interference in the domestic affairs of States. The Soviet Union delegate declared that "the United Nations was not authorized under

14. For example, see the statements of the delegate of the United States for the first position, *ibid.*, pp. 9, 11, and E/CN.4/SR.57, p. 6. For the second position, see the statements of the delegates of France and of Lebanon, E/CN.4/SR.56, pp. 8-9, and E/CN.4/SR.57, p. 2.

15. E/CN.4/SR.56, pp. 8-9.

16. For the text of the French proposal, see E/CN.4/97. The French delegate explained that details of how responsibility would be shared would be worked out in a series of agreements between the United Nations and member States.

17. E/CN.4/SR.56, p. 8.

18. The delegate of the United States referred to the fact that the Economic and Social Council had "called for a separate study of the question of nationality which would probably include the problem of asylum"; E/CN.4/SR.56, p. 10.

the Charter to make recommendations to member countries on the matter of asylum".¹⁹ In the end, the Commission rejected the idea of international responsibility as contained in the French proposal.²⁰

In dealing with the first paragraph of the draft article, the Commission also had to decide whether there existed, along with the right to *seek* asylum, a right to be *granted* it. Most of the delegates recognised the fact that if such a right was recognised it would come into conflict with the "jealously guarded right of the State to prevent foreigners from crossing its borders".²¹ At the same time, some delegates felt that the right to seek asylum would be meaningless unless there existed the right to have it granted.²² One solution was suggested by the Chinese delegate in the form of an article granting everyone the right to "temporary asylum" from persecution.²³ Temporary asylum was considered a right which must be granted and which would not conflict with the general control that a State exercised over immigration. Due to limited support, however, the proposal was never brought to a vote.²⁴ A proposal by the delegate of the Soviet Union which

19. The Soviet Union delegate also remarked that since the United Nations had no territory on which to provide asylum, its action would constitute interference in the domestic affairs of the countries concerned; E/CN.4/SR.57, p. 6. The response of the French delegate was that it was intended that the United Nations would facilitate a person's search for asylum and not interfere in the internal affairs of States; *ibid.*, p. 7.

20. The French proposal was rejected by 6 votes to 5, with 5 abstentions; E/CN.4/SR.56, p. 12.

21. See the statement of the United Kingdom delegate, *ibid.*, p. 10. This point was to come up again in the work of the Commission on asylum.

22. See, for instance, statements by the delegates of the Philippines and of the Soviet Union; *ibid.*, pp. 10-1.

23. For the text of the Chinese proposal, see E/CN.4/102. For the text as revised verbally in meeting, see E/CN.4/SR.56, p. 8.

24. The Chinese proposal was supported by the delegates of India and of the United States. The Indian delegate pointed out that, while the United Nations could be instrumental in providing permanent asylum, "it was a human right, however, to seek and be granted temporary asylum from persecution"; E/CN.4/SR.57, p. 6. The United States delegate pointed out that without the word "temporary" the right to be granted asylum would come into conflict with the immigration laws of various countries, *ibid.*

attempted to define the specific categories of people who would be entitled to asylum failed to get majority support.²⁵ In an attempt to solve the problems of reconciling the right of the persecuted with the right of the State, the Commission appointed a sub-committee which suggested that the first paragraph of the article on asylum should read: "Everyone has the right to seek and be granted in other countries asylum from persecution as humanity required."²⁶ This text differed from the one suggested by the Drafting Committee in that it changed the optional character of granting asylum and added a new qualifying clause. Those who worked out this compromise hoped that the words "as humanity required" would serve to allay the fears of the States.²⁷ This clause, however, met with considerable opposition from delegates who felt that it was vague and others who preferred to give the United Nations responsibility in matters of asylum.²⁸ In the end, the Commission voted to adopt paragraph one as presented by the sub-

25. The proposal of the Soviet Union reads: "The right of asylum is guaranteed to all persons persecuted in connection with their activity in defense of the interests of democracy or for their scientific activity or for their participation in the struggle for national liberation"; E/800. This proposal was considered too restrictive by some of the delegates who also criticised the use of the term "democracy" which could be interpreted in different ways. See, for example, the statement of the delegate of the United Kingdom, E/CN.4/SR.56, p. 10; and the statement of the delegate of the Philippines, E/CN.4/SR.57, p. 8. This proposal was supported by those delegations who wished to restrict the right to asylum from being applied too broadly. The delegate of Yugoslavia mentioned war criminals who were wandering freely around Europe, E/CN.4/SR.56, p. 10. On the use of restrictions as means of dealing with political opponents, see F. Morgenstern, "Asylum for War Criminals, Quislings and Traitors," *British Yearbook of International Law*, 25 (1948), pp. 382-6; also E. Hambro, "New Trends in the Law of Extradition and Asylum," *Western Political Science Quarterly*, 5 (1952), pp. 3-4.

26. The sub-committee actually drew up two alternatives but they differed in style only; see E/CN.4/SR.57, p. 2.

27. See the statement of the delegate of the United Kingdom, *ibid.*, p. 3; also that of the United States delegate as Chairman, *ibid.*, p. 5.

28. See, for example, the statement of the delegate of China; *ibid.*, also that of the Soviet delegate, *ibid.*, p. 2. For the second view, see the statement by the delegate of Belgium, *ibid.*, p. 4.

committee, with an amendment calling for the dropping of the term "as humanity required".²⁹

The article on asylum as adopted by the Commission underwent an important change during its review by the Third Committee of the General Assembly. The Committee also rejected the idea of international responsibility for asylum and two amendments proposing significant additions to the article on asylum.

The change in the article on asylum was initiated by those delegates who were dissatisfied with the inclusion of the right to be granted asylum. These delegates felt that no State could undertake the responsibilities imposed by the article on asylum as adopted by the Commission. They saw asylum as the right of every State "to offer refuge and to resist all demands for extradition" and not as an obligation to receive a persecuted person without prior investigation.³⁰ In the words of the delegate of India: "No one had the right to enter a foreign country without permission of the State concerned."³¹ One delegate expressed the view that each State should be free to decide how it would apply the proclaimed right of asylum.³² Two amendments were proposed regarding the right of the individual to

29. The amendment to drop the words, "as humanity required," was adopted by 14 votes to 1, with 2 abstentions. Paragraph one as finally adopted (by 12 votes to 1, with 4 abstentions) read: "Everyone has the right to seek and be granted in other countries asylum from persecution, *ibid.*, p. 10.

30. Among the delegations opposing the right to be granted asylum were the United Kingdom, Saudi Arabia, India, Australia, Greece, and Haiti. This definition of asylum was offered by the delegate of the United Kingdom; *GAOR*, Third Session, Third Committee, 121st meeting, p. 329. He also pointed out that the granting of asylum was closely linked with immigration laws "inasmuch as it gave any person or group of persons persecuted for political or other reasons the right to demand admission into the country of their choice". The point about prior investigation was made by the delegate of Saudi Arabia who felt that the right to demand asylum had to be preceded by an act determining if the State was in a position to receive them, *ibid.*, p. 331.

31. *Ibid.*, p. 335.

32. See the statement of the delegate of Australia, *ibid.*, p. 338.

be granted asylum. A Saudi Arabian amendment suggested that the words "and be granted" should be deleted from the first paragraph, while a United Kingdom amendment proposed that they be replaced with the words "and to enjoy".³³ Explaining his amendment, the United Kingdom delegate said that "the intention was not to grant a person fleeing from persecution the right to enter any and every country but to ensure for him the enjoyment of the right to asylum once it had been granted him".³⁴

Those delegates who supported the basic text of the article on asylum, as drawn up by the Commission, generally agreed with the view that the right to be granted asylum would create difficulties for States and that, in existing practice, it was not considered a State obligation.³⁵ They based their support, instead, on the ground that it was a concomitant of the right to seek asylum and was necessary if the purpose of the article was to be met. It was also pointed out that the difficulties that might arise for States in this connection could be worked out in the covenant which was to follow.³⁶ Replying to the argument that a right to be granted asylum would impose responsibilities which no State could meet, the delegate of Lebanon declared that "the statement of a right should not ... depend on the possibility of states to comply with that right".³⁷ In the end, the unwillingness of States to be obligated to grant asylum prevailed.

33. For the text of the two amendments, see A/C.3/285/Rev.1. The right to enjoy asylum as contained in the United Kingdom amendment would, of course, apply only after asylum had been granted.

34. See *GOAR*, Third Session, Third Committee, 121st meeting, p. 340.

35. See, for example, the statement of the delegate of Pakistan who favoured the basic text when he stated that "in the past international law had regarded the right of asylum as accruing to the State by virtue of its sovereign and independent status rather than as one of the fundamental rights of man"; *ibid.*, p. 337. Similarly, the delegate of Venezuela, who favoured the basic text as drawn up by the Commission agreed that asylum was not a right, but a humanitarian practice which the State concerned was free to accept or reject; *ibid.*, p. 332.

36. See, for example, the statement of the delegate of Lebanon, *ibid.*, p. 335. See also the statement of the delegate of Pakistan, *ibid.*, p. 337. The delegate of Pakistan was willing to place restrictions on the right to be granted asylum on the ground of national security and public welfare. See statement by the delegate of Brazil, *ibid.*, p. 340.

37. *Ibid.*, p. 335.

The Third Committee adopted the Saudi Arabian proposal as well as the United Kingdom proposal, replacing the words "and be granted" with the words "and to enjoy".³⁸ This meant that every individual had the right to seek and enjoy asylum but not to be granted it. The adoption of this amendment is significant in that it restored the article's conformity with existing law and practice in an instance where the Commission had been willing to make a break from it.³⁹

The delegation of France tried to persuade the Third Committee to approve a proposal on international responsibility regarding asylum which had been rejected by the Commission.⁴⁰ Calling asylum "a right of an essentially international character," the French delegate reiterated the need to specify who would ensure the enjoyment of it.⁴¹ He proposed an addition to the article on asylum which would require the United Nations in concert with the countries concerned to secure asylum for the persecuted.⁴² In the course of the Committee's debate, this proposal was revised by the delegate of Brazil to read as follows: "Everyone has the right to seek and be granted in other countries asylum from persecution, with the support, if necessary, of the United Nations acting in concert with other States."⁴³

38. The Saudi Arabian amendment was adopted by 18 votes to 14, with 8 abstentions. The Committee adopted the United Kingdom proposal by 30 votes to 1, with 12 abstentions; see *ibid.*, 122nd meeting, p. 343.

39. There seems little doubt that to some extent the hesitation of delegations was based on the fact that they considered the Commission draft to be in violation of international law. The delegate of Haiti, who voted for both the Saudi Arabian and the United Kingdom amendments, explained his vote as follows: "It was because such an obligation was contrary to international law" that he had voted for the Saudi Arabian proposal to delete from the original text the words "and be granted". *Ibid.*, p. 345.

40. In this attempt, France was supported, among others, by the delegations of Bolivia, Chile, Belgium, Lebanon, and Brazil. Some delegates were willing to place all responsibility on the United Nations. See, for example, the statement by the delegate of Bolivia, *ibid.*, 121st meeting, p. 329; also see *ibid.*, p. 335. Others wanted to keep it to a minimum; see, for example, the statement of the delegate of Brazil, *ibid.* p. 340.

41. See *ibid.*, p. 328. See also discussion above, pp. 126-7.

42. For the text of the French amendment, see A/C.3/285/Rev.1.

43. See GAOR, Third Committee, Third Session, 121st meeting, p. 340.

The clause "with the support if necessary" was intended to reduce to a minimum the chance of the United Nations intervention on behalf of a person seeking asylum. It was hoped that this would help to overcome the reluctance of those States which felt that the French proposal sought to give the United Nations too much power. The majority of the Committee members, however, continued to be opposed to involving the United Nations in matters of asylum. Some delegates found the French proposal unacceptable because it seemed to give the United Nations the right to invite member States to grant asylum.⁴⁴ Others rejected it either as a matter of implementation which did not belong in the Declaration, or on the ground that the question needed to be studied more thoroughly by the Sixth Committee of the General Assembly.⁴⁵ Therefore, the defeat of the Brazilian amendment, which was presented in place of the French proposal, was not surprising.⁴⁶

Some Latin American delegates attempted to get the practice of diplomatic asylum in legations and embassies included in the article on asylum.⁴⁷

44. See, for example, the statement of the delegate of the United Kingdom; *ibid.*, p. 330. He also reminded the French delegate that "in the last instance, it was for the States to admit or not to admit a given person". It is not clear from his statement what effect the right of the United Nations to invite member States to grant asylum would have on the State's right of admittance, for surely the State would be free to decline the invitation.

45. See, for example, the statement of the delegate of the United States and the delegate of India; *ibid.*, pp. 334-5. The suggestion for study by the Sixth Committee was based on a desire to see that all related legal questions would be explored.

46. It was rejected by 24 votes to 12, with 9 abstentions; *ibid.*, 122nd meeting, p. 345.

47. Observers generally agree that there is no right of asylum in legations and embassies under international law. As one eminent authority puts it: "There is no obligation on the part of the receiving State to grant an envoy the right of affording asylum to criminals, or to other individuals not belonging to his suite"; Lauterpacht, *Oppenheim's International Law*, p. 796. Another observer has expressed similar views when he writes that: "Notwithstanding its practice in some countries of the right [of diplomatic asylum] finds basis only in the consent of the States concerned", Balbastro, p. 363. At the same time, it cannot be denied that current practice and international law as observed in Latin American States give definite recognition to the right of diplomatic asylum. It is recognised in a convention drawn up at the Sixth International Conference of American States at Havana in 1928, and numerous instances exist where States have practised it. The most celebrated case is the *Haya de la Torre Case*, involving the States of Peru and Colombia, decided by the International Court of Justice in 1950. For the Court decision, see *I. C. J. Reports*, 1950. For a critical discussion of the case, see Carlos Salamanca, "Political Asylum—What and Why," *Bar Bulletin*, 10 (1952), pp. 77-88. For a general study of diplomatic asylum, see A.E. Evans, "The Colombian-Peruvian Case: The Practice of Diplomatic Asylum," *American Political Science Review*, 46 (1952), pp. 236 ff.; see also Moore, *Digest*, p. 781.

The Bolivian delegation proposed as an addition to paragraph one of the Commission draft, the provision that: "The right shall extend to asylum in embassies or legations."⁴⁸ A similar amendment submitted by the delegate of Uruguay was also before the Committee.⁴⁹

Almost all the support for this addition came from the delegations of Latin American countries.⁵⁰ In general they took the position that the right of asylum in embassies and legations was in keeping with existing State practice and should, therefore, be explicitly established in the Declaration.⁵¹ These delegates also referred to the long history of asylum as it had been sought in temples and holy places and to its importance for people fleeing from situations of public disorder. Diplomatic immunity and the inviolability of buildings were also seen as factors justifying the granting of asylum in embassies and legations.⁵² As one delegate put it: "it was proper

48. A/C.3/285/Rev.1.

49. The Uruguayan amendment stated that: "This right includes diplomatic asylum in embassies and legations," *ibid.*

50. Two exceptions might be mentioned. Brazil, a Latin American nation, preferred to see the right included in the draft covenants, while the United Kingdom delegation was willing to support the Uruguay-Bolivia amendments. See *GAOR*, Third Session, Third Committee, 121st meeting, p. 340.

51. Some delegations referred specifically to Latin American practice while others appeared to be of the opinion that diplomatic asylum was the existing State practice all over the world. See, for example, the statement of the delegate of Brazil, *ibid.* Compare with statement by the delegate of Venezuela, *ibid.*, p. 332.

52. On this point the delegate of Bolivia said that immunity granted to diplomats was "an established principle in diplomatic usage; it extended to buildings, embassies, and legations, and even to the residence of ambassadors," *ibid.*, p. 329. On this point the Australian delegate inquired as to whom they wished to extend the right of immunity, which in principle was granted to representatives of States, and would an embassy be able to grant it as it thought fit or would it have to accede to all requests? *ibid.*, p. 338. The delegate of the United Kingdom, who was willing to support the proposal of Latin American States wanted it understood that "the right of asylum within embassies and legations would be granted temporarily and that the ambassador or minister would have full freedom to grant or refuse it." *ibid.*, p. 340. It would appear that diplomatic asylum by its very nature is a temporary arrangement since a person granted asylum cannot stay in the embassy indefinitely. See in this respect the discussion of the case of Alfredo B. Saulo of the Philippines who took refuge in an Indonesian embassy, in Balbastro.

that a country which gave asylum to a refugee should also open to him the doors of its embassy as the latter also represented the country of refuge."⁵³

Opposition to the Uruguay-Bolivia suggestion showed clearly that the majority of delegates considered diplomatic asylum a Latin-American practice which would create problems if applied to the rest of the world.⁵⁴ The Indian delegate feared that the practice of diplomatic asylum would give rise to serious disorders in Latin American countries and the delegate of the Ukrainian Soviet Socialist Republic felt that it "might provide a pretext of misuse of the principle of extraterritoriality."⁵⁵ A number of delegates considered the right of diplomatic asylum as being beyond the scope of the Declaration and a more fit subject for separate conventions or treaties between States.⁵⁶ In this regard the Australian delegate stated that "there existed a general right of asylum and to go beyond the recognition of that right would be to go further than one could or should go at that time in a Declaration of Human Rights".⁵⁷ The delegate of the Soviet Union opposed the granting of asylum by embassies and legations on the ground that their sole purpose was to transact business and any other activity would constitute an attempt to intervene in matters within the domestic jurisdiction of States.⁵⁸ When it appeared that "an adverse vote would create an

53. See the statement of the delegate of Bolivia, *GAOR*, Third Session, Third Committee, 121st meeting, p. 329.

54. Many delegates feared these suggestions as the introduction of the idea of extraterritoriality. For example, the delegate of Pakistan referred to its mischievous applications as reflected in the history of capitulations in the Ottoman Empire, concessions in China, and the jurisdiction and rights granted in the Near and Far East; see *ibid.*, p. 331. Fear of misuse of this principle was also expressed by the delegate of the Ukrainian Soviet Socialist Republic, *ibid.*, p. 341.

55. *Ibid.*

56. Among the delegates that took this position were those of the United States, *ibid.*, p. 334; France, *ibid.*, p. 342; and Australia, *ibid.*, p. 338.

57. *Ibid.*, p. 338.

58. For further details on the view of the delegate of the Soviet Union, see *ibid.*, p. 343. It was also seen as a violation of national sovereignty. For a brief general discussion of the Soviet Union viewpoint, see also Mark St. Korowicz, "Protection and Implementation of Human Rights within the Soviet Legal System," *American Society of International Law Proceedings*, 53 (1959), pp. 248-51.

unfortunate precedent and weaken the principle," the delegates of Uruguay and Bolivia withdrew their proposals.⁵⁹

One final amendment deserves mention because it specifically invoked the rules of international law.⁶⁰ The Egyptian delegation proposed that the words "in accordance with the rules of international law" should be added to the first paragraph of the article on asylum.⁶¹ The majority of the delegates responded negatively, ~~some~~ taking the position that there were no rules of international law to be applied to asylum.⁶² Commenting on the Egyptian proposal, the delegate of the United Kingdom observed that "the only relevant rule was that of the free will of the State and of its right to refuse extradition".⁶³ The delegate of Pakistan looked at it differently. He said:

Since the right to claim asylum was not admitted by the rules of international law, then to make the exercise of that right subject to such rules as proposed by the Egyptian delegation would be tantamount to preventing it from coming into existence until international law had developed sufficiently to include that principle.⁶⁴

The Egyptian amendment did not arouse much discussion and was rejected

59. See *GAOR*, Third Session, Third Committee, 122nd meeting, p. 346. A subsequent proposal providing that each country should decide for itself whether or not its embassies and legations should grant asylum was presented by Mexico and Uruguay; the Committee rejected it, *ibid.*

60. An amendment presented by the delegate of the Union of Soviet Socialist Republics has not been discussed in the main text because it was identical to the one that had been brought before the Commission and rejected by it. The Third Committee also rejected it on the same grounds. For a discussion of it before the Commission, see above, p. 128. See also *GAOR*, Third Session, Third Committee, 122nd meeting, p. 343. Towards the end, the delegate of the Soviet Union invited delegates to add to the categories of persons entitled to asylum as listed in his amendment, but failed to get any support, see *ibid.*

61. A/C.3/285/Rev.1.

62. It is difficult to ascertain the exact response of delegates since many of them made no statement on it in the debate. The proposal was defeated by 26 votes to 2, with 11 abstentions, which would indicate that many delegates were opposed to it.

63. *GAOR*, Third Session, Third Committee, 121st meeting, p. 330.

64. *Ibid.*, p. 337.

by the Committee, with only two delegates voting for it.⁶⁵ The Greek delegate explained that she had voted against the Egyptian amendment "because international law contained no regulations concerning the right to asylum".⁶⁶

As finally adopted by the Third Committee for inclusion in the Declaration, the article on asylum gave ~~persons~~ the right to seek and to enjoy asylum from persecution except ~~those~~ who were persecuted for non-political reasons or acts contrary to the ~~purposes~~ purposes and principles of the United Nations.⁶⁷

II

The major difference between the attempt to include an article on asylum in the Declaration and the draft covenants relates to the fact that the latter are intended to be a legally binding instrument. Realising that the article in the Declaration imposed no legal obligations on States, some delegates pushed for its inclusion in the draft covenants being prepared by the Commission on Human Rights.

Proposals for the inclusion of a right to asylum in the covenant were first made in connection with the discussion of an article relating to the treatment of aliens.⁶⁸ These proposals were based on the view that "the right

65. Only four delegations chose to comment on it, *ibid.*, 121st and 122nd meetings. Since the vote was not by roll call it is impossible to say who the second delegate was, *ibid.*, 122nd meeting, p. 346.

66. *Ibid.* One observer has remarked that the Egyptian addition was rejected "so as to uphold the broader concept enunciated in Article 14". On the recognition of a general right of asylum as a step beyond existing international law, see Robinson, *op. cit.*, pp. 121-2.

67. Reactions of observers to the inclusion of the article on asylum have been varied. Generally speaking, they have noted the fact that the Declaration must be seen in the light of this fact. The absence of a right to receive asylum has also been criticised. See *ibid.*, p. 121; Lauterpacht, *International Law and Human Rights*, p. 421 (hereafter cited as *Rights*), (New York, 1950); and Garcia-Mora, *Asylum*, pp. 145-51.

68. This was during the Eighth Session (May 1952) of the Commission. Asylum had been on the agenda of the Commission for a number of sessions, but had always been deferred to the following session.

to asylum and exemption from extradition in certain cases were corollaries of the right to exemption from expulsion and should therefore be referred to in the same article".⁶⁹ In a joint proposal, the delegations of Chile, Uruguay and Yugoslavia proposed that the right of asylum should be guaranteed to

All persons charged with offences, and in particular to all persons accused or persecuted because of their participation in the struggle for national independence or political freedom or because of their activities for the achievement of the purposes and principles set forth in the Charter of the United Nations and in the Universal Declaration of Human Rights.⁷⁰

A somewhat more restrictive proposal, submitted by the delegation of the Soviet Union, looked to guaranteeing asylum to those persecuted for "their activities in defence of democratic interests, for their scientific work or for their participation in the struggle for national liberation".⁷¹ Although he was against the concurrent handling of expulsion and asylum, the French delegate proposed a sub-amendment giving everyone the right of asylum and making the United Nations responsible for the effective granting of it.⁷² While the joint amendment did not make any specific reference to those who were not entitled to asylum, the Soviet Union and French proposals excluded all persons genuinely persecuted for non-political crimes (the Soviet Union proposal also mentioned war crimes) or acts contrary to the purposes and principles of the United Nations Charter.⁷³

In general, those delegates who favoured the granting of the right of asylum agreed with the High Commissioner for Refugees when he said that

69. This view was expressed by the delegate of Yugoslavia, see E/CN.4/SR.316, p. 6. Expressing the opposite view, the delegate of the United States said: "Aliens were expelled under domestic law and procedures. Extradition was governed by treaty. The two matters were thus totally different and could not be combined", *ibid.*, p. 13.

70. For the text of the proposal, see E/CN.4/L.190/Rev.2.

71. For the text, see E/CN.4/L.184.

72. For the text, see E/CN.4/L.191.

73. See E/CN.4/L.184 and E/CN.4/L.191. In the original version of the joint proposal people whose acts were inconsistent with the principles of the Charter and the Universal Declaration were not to receive asylum, but this was later revised and the clause mentioned above was dropped. See E/CN.4/L.190/Rev.1 and compare with Rev.2.

the right of asylum "was a corollary of the right to life and the enjoyment of any other human rights by a refugee depended on his asylum".⁷⁴ The desire to give assistance to those who were struggling for national or political freedom by giving them asylum from persecution also figured prominently in the support for this right. Many delegates felt that if the right of asylum was to operate with foreign or joint covenants.⁷⁶

Those delegations who were opposed to the inclusion of a right to asylum said that it could not be defined specifically enough for the purposes of the covenant.⁷⁷ They pointed out that it was a right of the State and did not belong in a document which dealt with the rights of the individual.⁷⁸ Even some delegates who were sympathetic towards the idea of national liberation did not support the idea of a general right of asylum. The delegate of the United Kingdom declared that "although it was generally agreed that all States should be generous to persecuted individuals where actions had been directed at national liberation, it was quite another thing to translate that general principle into a positive obligation under international law".⁷⁹ Some delegations raised objections to the article on the ground that, in practice, States decided each case of asylum separately and provisions that

74. E/CN.4/SR.317, p. 12.

75. See, for example, the statement of the delegate of Chile, E/CN.4/SR.316, p. 7. This idea was expressed also by many delegates of the newly independent States in the Third Committee. See GAOR, Seventeenth Session, Third Committee, 1179th meeting, p. 230.

76. See, for example, the statement of the delegate of Poland, E/CN.4/SR.317, p. 6. Also see the statements by the delegates of Chile, Yugoslavia, and the Union of Socialist Republics, E/CN.4/SR.316, pp. 6-9.

77. *Ibid.*, pp. 11-2.

78. The view that the right of asylum belonged to the State was contested by the delegate of Uruguay. Referring to the statement of the United Kingdom delegate who felt that asylum was a right of the State which it could grant or withhold, the delegate of Uruguay said that he was "unable to agree with the United Kingdom representative that the right of asylum was a form of generosity on the part of the State. Individuals had a positive right of asylum in the embassies or territories of States, but it was for the States concerned to judge in each case, whether asylum was warranted"; see E/CN.4/SR.317, p. 5.

79. *Ibid.*, p. 3.

gave asylum to a general category of people would make this impossible.⁸⁰ They felt that no statement of the right of the individual should prejudice the right of the State to withhold or grant asylum depending on its own judgment.

All three proposals before the Commission were criticised for their vagueness and for not taking due consideration the existing views and practices of the States.⁸¹ The joint amendment was criticised for the vagueness of the term "political offence" and the same charge was levelled against the use of the term "democratic interests" in the proposal of the Soviet Union.⁸² Some delegates were afraid that the joint amendment would have the effect of eliminating the distinction between extraditable and non-extraditable offences already established in international conventions.⁸³ Another delegate pointed out that an unduly general prohibition of extradition, in the case of political offences, would be irreconcilable with treaties which provided for extradition in cases where a political offence was at the same time an offence against ordinary law.⁸⁴ When the proposals came to a vote, a majority of the members of the Commission voted against the

80. See, for example, the statement of the delegate of Egypt, E/CN.4/SR.316, p. 12. Also that of the United Kingdom delegate, E/CN.4/SR.317, p. 4.

81. It was felt that the proposals in effect ignored the unwillingness of States to be obligated to admit any group of people including political offenders. In this connection, the Egyptian delegate expressed concern over the fact that a political offender might continue his activities in the State of asylum; see E/CN.4/SR.316, p. 12. See also the statements of the delegates of the United Kingdom, Belgium, and the United States, E/CN.4/SR.316 and 317. In this connection, see also the statement of the delegate of the Cameroons in GAOR, Seventeenth Session, Third Committee, 1179th meeting, p. 229.

82. See the statement of the delegate of Egypt and that of the delegate of Belgium, E/CN.4/SR.316, pp. 11-2. On this point, see also Garcia-Mora, "The Present Status of the Political Offence in the Law of Extradition and Asylum," *University of Pittsburgh Law Review*, 14 (1952-53), pp. 371-96; also see Evans, "Reflections Upon the Political Offense in International Practice," *A.J.I.L.*, 57 (1963), pp. 1-24.

83. See the statement of the delegate of the United States, E/CN.4/SR.316, p. 12. See also the statement of the Belgian delegate, *ibid.*, p. 11.

84. *Ibid.*

addition of a paragraph on asylum to Article 9.⁸⁵

In 1962, when the Third Committee took up the matter of new articles for inclusion in the Draft Covenant on Civil and Political Rights, the delegation of the Union of Soviet Socialist Republics submitted a new article on asylum.⁸⁶ As of November 1963, consideration of the proposal had not been completed. The delegate of the Soviet Union agreed to a suggestion to defer consideration of his proposal or after a proposed draft declaration on asylum had been examined by the Third Committee.⁸⁷

III

The Commission on Human Rights took another look at the question of asylum in connection with the French proposal for a Draft Declaration

85. The joint proposal was rejected by 10 votes to 4, with 4 abstentions; see E/CN.4/SR.318, p. 8.

86. The new proposal was submitted during the Seventeenth Session of the Third Committee of the General Assembly. The new article provides that:

The right of asylum is guaranteed to all persons persecuted for their activities in support of peace and in defence of democratic interests, for their participation in the struggle for national liberation or for their scientific work.

States granting asylum shall not permit or encourage the employment of persons who have been granted asylum for purposes of espionage, subversion or sabotage against other States.

See A/C.3/L.1013. Speaking in support of his proposal, the delegate of the Soviet Union said: "The right of asylum, although embodied in a number of legal systems and well known both in international law and in the practice of States, was not covered by binding provisions in any international instrument," GAOR, Seventeenth Session, Third Committee, 1197th meeting, p. 227. The response to the Soviet Union proposal turned out to be quite limited in the brief discussion that took place before the matter was deferred to another time. Some delegates who favoured the inclusion of an article on asylum in the draft covenants expressed their dissatisfaction with the Soviet Union proposal. Generally, States appear to be as unwilling as ever to give the individual the right to demand asylum from a State; *ibid.*, 1179th-1180th meetings.

87. *Ibid.*, 1180th meeting, p. 233. On the last occasion when the subject was brought up, the delegate of the Soviet Union declared that he would not press the article on asylum to be included in the draft covenant on civil and political rights, but would be satisfied if the proposal were to be considered in connection with the Draft Declaration on the Right of Asylum; see *ibid.*, Eighteenth Session, Third Committee, 1256th meeting, p. 235.

on the Right of Asylum.⁸⁸ The proposal appears to have been motivated, at least in part, by the realisation that an article was not likely to be included in the draft covenants and that some further action was necessary.⁸⁹

An initial objection to the French proposal was raised by some delegates who felt that the Declaration would be nothing to Article 14 of the Universal Declaration of Human Rights. The right of asylum should be an article in the draft covenants.⁹⁰ As another reason, the Commission should not proceed with the work on the French proposal, the delegate of the Soviet Union drew attention to a General Assembly resolution asking the International Law Commission to undertake the codification of the principles and rules of international law relating to the right of asylum.⁹¹ In response to these arguments, the French delegate said that the Declaration was necessary because many new developments had taken place since the adoption of Article 14 of the Universal Declaration and that, in his opinion, it would be impossible to get an article on asylum included in the draft covenants.⁹² The majority of the Commission was in favour of considering the French proposal and some delegates even felt that it would contribute to the task of codification being undertaken by the International Law Commission.⁹³

88. The French proposal was the first submitted during the Thirteenth Session (March 1957) of the Commission, but did not actually come up for discussion until the Fifteenth Session (March 1959). For a text of the original proposal, see E/CN.4/L.454/Rev.1.

89. This view was taken in the light of the fact that the Commission had rejected, at its Eighth Session, proposals which would have led to the inclusion of an article on asylum in the Covenant; see above, pp. 137-41.

90. See statements of the delegates of Poland, E/CN.4/SR.619, p. 8; of the Soviet Union, *ibid.*, p. 12; and of the Ukrainian Soviet Socialist Republic, *ibid.*, p. 9. Also see statements made during the Sixteenth Session, E/CN.4/SR.650, pp. 3 and 9; E/CN.4/SR.651, pp. 4 and 5.

91. See E/CN.4/SR.650, p. 3. The delegate of the Soviet Union felt also that the Declaration would have no practical results and that it might lead the General Assembly to postpone consideration of the Covenant on Civil and Political Rights.

92. See E/CN.4/SR.620, p. 9. He pointed out that ten years had elapsed and the problem was different; and he doubted if agreement on a legally binding text was possible.

93. See the statements of the delegates of the United Kingdom, of the United States and of Argentina, E/CN.4/SR.651, pp. 2-4. The delegate of India pointed out that it was the proper function of the Commission to elaborate the responsibility of governments in respect of the rights in the Universal Declaration and that such work would not interfere with the work of the other bodies; *ibid.*, p. 5.

The French Draft Declaration on the Right of Asylum consisted of five articles.⁹⁴ Article 1 placed the responsibility for granting asylum on the international community as represented by the United Nations. Article 2 entitled everyone to asylum whose life, physical integrity, or liberty was threatened in violation of the principles of the Universal Declaration of Human Rights.⁹⁵ Article 3 provided that foreign asylum shall be respected by other States and that the State granting asylum would incur no international responsibility. Article 4 said that the United Nations would consult with States on the means by which a person seeking asylum was to be helped and that States should take action to lighten the burden of countries of first asylum where necessary. Article 5 stated that no one was to be subjected to expulsion, return or rejection at the frontier if there existed danger to his life, physical integrity, and liberty in violation of the Universal Declaration.⁹⁶ This article was not to apply where national security was involved or the person concerned was guilty of a serious crime constituting a danger to the community.

In introducing the Draft Declaration, the delegate of France made it clear that the proposal was not intended to be a legally binding international instrument.⁹⁷ In his introduction, he also pointed out the two fundamental principles which he felt had become generally accepted that a person fleeing from imminent death should not be refused asylum and that all countries, and not just the country bordering on the States whence the refugees came, were responsible for asylum.⁹⁸ The controversy arose over the French delegate's view that asylum was a right of the individual and that there existed an obligation of the international community towards all persecuted

94. For the text of the Declaration, see E/CN.4/L.454/Rev.1.

95. Article 2 entitled everyone to seek asylum but not to be granted it.

96. This article comes closest to establishing an obligation for States to grant asylum. The principle of not returning or rejecting people fleeing from imminent danger was the basis for this right. The article came in for much criticism and was revised to leave some opening for the State to reject someone it did not want. See pp. 148-51, below.

97. See the statement of the French delegate, E/CN.4/SR.618, p. 4.

98. *Ibid.* Disagreement arose over the first point, see below, pp. 144-6.

persons and refugees.⁹⁹ A number of delegates supported the position of France on asylum as a right of the individual.¹⁰⁰ The delegate of Iran noted that in international law, all questions of human rights were closely linked to the basic question of the position of the individual in international law. He felt that "to say, however, that recognition of the right of individuals would be opposed to traditional tenets of international law would not dispose of the matter. This branch of the law, like others, could and should evolve to take account of new circumstances".¹⁰¹ The delegate of Iran went on to say that while the individual had often received asylum, in situations where the interests of the State and the individual seeking asylum were in conflict, the interests of the State prevailed. The delegate of Austria, referring to the principle that under international law

99. The French delegate pointed out that he considered it a delicate legal point whether asylum was the right to grant asylum "which, was one of the rights of sovereign States, or the right to seek and enjoy asylum, which, as expressed in Article 14 of the Universal Declaration of Human Rights, was an individual right"; but felt that, so far as he could see, modern thinking favoured the latter view, which he supported. See E/CN.4/SR.618, p. 4.

100. This group included Israel, Italy, Austria, Lebanon, and Iran. While most of the delegations here mentioned recognised the fact that their position did not conform to traditional or existing law, they saw it as the trend of the future. The delegate of France noted that to reconcile the two points of view would take time; he considered the Draft Declaration a practical solution in the meantime, *ibid.* The delegate of Israel pointed out that the Draft Declaration would not interfere with the prerogatives of sovereign States, but would establish minimum standards for the treatment of human beings; *ibid.*, p. 5. He also saw the Declaration as a step forward toward the attainment of the Commission's real goal: "the formulation of an international code of ethics which would one day replace international law" (*italics mine*). For the Italian statement, see *ibid.*, p. 6.

101. The Iranian delegate also noted a tendency toward treating the individual in his relationship with the world, rather than just one State, as an important trend. He interpreted the Charter as imposing upon member States an obligation to respect human rights. This latter view was questioned by the delegate of the Ukraine, E/CN.4/SR.619, p. 9. For the Iranian statement, see *ibid.*, p. 4. The position of the individual has received considerable attention from writers in the field of international law. See, for example, Lauterpacht, *Rights*; Garcia-Mora, *Asylum*, pp. 7-19. For a historical account, see P.P. Remec, *The Position of the Individual in International Law According to Grotius and Vattel* (The Hague, 1960); Jessup, *A Modern Law of Nations* (New York, 1959).

the individual had no right to receive asylum and the State no duty to grant it, stated that "his government too recognized those principles of international law but if it had adhered to them rigidly it would have been forced to turn away many thousands of refugees".¹⁰² He went on to say that in the French Draft Declaration "governments were not called upon to undertake any new obligations or responsibilities, merely to follow recognized rules of international law and established customs and practices".¹⁰³

As in previous instances when the question of the individual's right to asylum had come up in the Commission, the majority of the delegates took the position that under international law asylum was not an individual's right but a prerogative of the State which it was free to grant or not.¹⁰⁴ Unlike the delegations mentioned above, they were not willing to take any action which would prejudice this established principle of international law. Speaking along these lines, the delegate of the United Kingdom said: "If the right of the individual to asylum was established as a hard and fast principle of international law, it would become the duty of all States to give asylum to those seeking it, a situation which would be unacceptable to many of them".¹⁰⁵ The Indian delegate said that his government considered it an established principle of international law that "the individual had no enforceable right to be granted asylum and that the State had no obligation to grant asylum".¹⁰⁶ He felt that the French Declaration would have the

102. E/CN.4/SR.620, p. 12.

103. *Ibid.* See also the Austrian delegate's statement during the Sixteenth Session, E/CN.4/SR.650, p. 9.

104. The number of statements in favour of this position is considerable and only a few of them have been mentioned in the body of this thesis. For a complete account, see discussions of this point in the Commission's summary records, E/CN.4/SR.618, 619, 620; and also E/CN.4/SR.650, 651, 652, 654.

105. The delegate of the United Kingdom also felt that if there was an inherent individual right to asylum the corresponding obligation must fall not on separate States, but on the international community. He did not feel that sufficient support existed for such a notion; see E/CN.4/SR.618, p. 10.

106. See E/CN.4/SR.619, p. 5. Article 3 of the French Declaration appears to be involved in the obligation referred to here.

effect of imposing such an obligation upon the State. The Indian delegate pointed out that it was not possible "in the present state of international law, to impose on a State responsibilities with regard to measures taken by another State in respect of its own nationals...."¹⁰⁷ The delegates of the Soviet Union and the Ukrainian Socialist Republic also felt that the basic premise of the French Declaration was incorrect because it would have the effect of making the subjects of international law. The Soviet delegate pointed out that when the United Nations acted to promote respect for human rights, it was expected to do so through the intermediary help of States.¹⁰⁸ The delegate of Venezuela stated that in Latin American practice, also, asylum was a right of the State.¹⁰⁹ The delegate of the United States seems to have summed up the view of many delegates when he said that "... the practice of States in the matter [asylum] could not be construed as recognition of the existence of a right to asylum as customary law or a general principle of international law".¹¹⁰

The second point of controversy concerned the matter of international responsibility for asylum. In commenting on his proposal, the French delegate had tried to make it clear that he did not feel that the United Nations could concern itself with the internal politics of a country, but that it could, on humanitarian grounds, promote international co-operation to relieve

¹⁰⁷ Ibid., p. 6.

¹⁰⁸ See the statement of the delegate of Soviet Union, *ibid.*, p. 10. The delegate of Iran had mentioned Articles 55 and 56 of the United Nations Charter as a basis for inferring an obligation for States (U.N.) to take action on human rights, *ibid.* The Soviet Union delegate did not feel that the said articles changed the principle that States and not individuals were subjects of international law. On the question of Charter provisions and human rights, see Lauterpacht, *Rights*, p. 147; J.L. Kunz, "Present-Day Efforts at International Protection of Human Rights: A General Analytical and Critical Introduction," *A. S. I. L. Proceedings*, 45 (1951), pp. 109-19; and Garcia-Mora, *Asylum*, pp. 15-9.

¹⁰⁹ E/CN.4/SR.550, p. 5. He also drew attention to the article on asylum drawn up by the Bogota Conference in 1948: "Every person has the right, in case of pursuit not resulting from ordinary crimes, to seek and receive asylum in foreign countries, in accordance with the laws of each country and with international agreements."

¹¹⁰ He was referring to the right to be granted asylum; E/CN.4/SR.651, p. 3.

human suffering.¹¹¹ Once again, while some delegates spoke in support of the French position, the majority of the Commission found it unacceptable. Some of the objections raised were that such a responsibility would involve going beyond the Charter and that it would be contrary to the principle of sovereignty of States.¹¹² Some of the Commission expressed the fear that the principle of international responsibility might be construed to mean that the international community had the right to investigate the treatment of persons granted asylum which would be an invasion of domestic jurisdiction.¹¹³ Underlying all these objections was the view that under international law the granting of asylum was a matter lying within the exclusive competence of each State.

Some objections were also raised to the provision in the French Declaration that all persons whose life, physical integrity or liberty was threatened were entitled to asylum.¹¹⁴ The Polish delegate found this position unacceptable because it did not deny the benefit of asylum to common offenders "although it was traditional in international law to recognize as entitled to asylum only persons persecuted for political acts".¹¹⁵ The Indian delegate observed that a person fleeing from political persecution was entitled to asylum. He felt, however, that practical considerations, such as national security and the ability of the receiving State to absorb them (where large numbers were concerned), must also be taken into account.¹¹⁶ The delegate

¹¹¹ E/CN.4/SR.620, p. 10. The delegations of Italy, Israel, Iran, and Austria were among the delegations that supported this view.

¹¹² See, for example, the statements of the delegates of India, E/CN.4/SR.619, p. 6; of Poland, *ibid.*, p. 7; of Belgium, E/CN.4/SR.618, p. 7; and of the United Kingdom, *ibid.*

¹¹³ This was stated by the delegate of India, E/CN.4/SR.651, p. 6. On this point, see also the statement by the delegate of the Ukraine, E/CN.4/SR.619, p. 9.

¹¹⁴ Article 2 of the Draft Declaration. In introducing this point, the French delegate had noted that a person fleeing from imminent death should not be refused asylum.

¹¹⁵ For the Polish delegate's statement, see E/CN.4/SR.619, p. 8. All the complexities of the matter of asylum in the case of common criminals are not clear from the statement. For a detailed examination of this point, see Garcia-Mora, *Asylum*, pp. 53-69. He suggests that, in the absence of treaty stipulations, the ability of a fugitive to enjoy asylum is entirely dependent upon the discretion of the State of refuge; *ibid.*, p. 53.

¹¹⁶ E/CN.4/SR.618, p. 5.

of Lebanon suggested that a distinction would have to be made between the case of the ordinary political refugee seeking asylum, who was entitled to protection in the territory of another State, and mass movements of refugees who were not individually in fear of arrest or persecution.¹¹⁷

It was in the light of the points raised above, particularly the points concerning the right of the State to asylum and the question of international responsibility, that the French delegation revised the Draft Declaration on Asylum in March of 1959.¹¹⁸ The first article of the new draft made the exclusive competence of the State, in matters of asylum, quite clear by stating that: "Every State has the right, in the exercise of its sovereignty, to grant asylum..." The second article reduced the responsibility of the international community from one of granting asylum to a concern "with the safety and well-being of those who have left their own or another country because of persecution or well-founded fear of persecution". Article 3 (which was substantially the same as Article 3 of the previous draft) prohibited the "expulsion, return, or rejection at the frontier" of someone entitled to asylum if his life, physical integrity, or liberty were threatened because of "his race, religion, nationality, membership of a party or social group or political opinion". Two exceptions were provided to this rule concerning those returned for reasons of national security or (applicants convicted of a serious crime) on the ground of constituting a danger to the community. Article 4 provided that States had the duty to help where the number of refugees seeking asylum exceeded the capacity of the State to absorb them, and in such cases it made the United Nations specially responsible for securing international co-operation to prevent a situation from arising in which a country might find it impossible to observe Article 3.

During the Sixteenth Session (March 1960) of the Commission, the revised Draft Declaration was adopted with some amendments.

Amendment of Article 1 concerned the provision that a State incurs

117. E/CN.4/SR.620, p. 13.

118. For the text of the revised proposal, see E/CN.4/L.517. Compare with the previous proposal, E/CN.4/L.454/Rev.1.

no international responsibility by granting asylum.¹¹⁹ The Indian delegate pointed out that this would have the effect of absolving the receiving State from any responsibility for the subsequent behaviour of the person granted asylum.¹²⁰ The delegate of Venezuela noted that in Latin American practice the person granted asylum was restricted from activity that would cause the State of origin to come under the French delegate agreed to the deletion and Article 1 was adopted by acclamation, any votes being cast against it.¹²²

Article 2, even in its revised form, was not satisfactory in the eyes of many delegates who felt that the safety and well-being of the person granted asylum was the exclusive concern of the State, and any attempts of the international community to concern itself with it would amount to a violation of domestic jurisdiction.¹²³ The delegate of the United Kingdom suggested that the international community "should be concerned with the plight of persons seeking asylum and not with that of those already granted asylum".¹²⁴ India and Lebanon, and later the United States and Lebanon, proposed an amendment combining Articles 2 and 4 of the revised draft:

The situation of persons who are forced to leave their own or another country, because of persecution or well-founded fear of persecution, is of concern to the international community.

119. See the text of Article 1 in E/CN.4/L.517. On this point, see also the draft of a resolution adopted on asylum by the Institute of International Law, *A.S.I.L.*, Supplement 45 (1951), which provides that a State is responsible internationally to the same extent that it is responsible for the action of any other person. See also, Lauterpacht, *Oppenheim's International Law*, p. 678. He holds that "it is the duty of every State to prevent individuals living on its territory from endangering the safety of another State by organizing hostile expeditions or by preparing common crimes against its head, members of its government or its property". The deletion seems to have brought the article in line with existing international law.

120. E/CN.4/SR.651, p. 6. The delegate of the United Kingdom pointed out that the term "international responsibility" might have specific connotations in the United Nations, but not in international law; *ibid.*

121. E/CN.4/SR.650, p. 6.

122. It was adopted by 15 votes to none, with 3 abstentions; see E/CN.4/SR.653, p. 2.

123. See, for example, the statement of the delegate of India, E/CN.4/SR.651, p. 6. Similar opinions were expressed by the delegates of Mexico, Argentina, Venezuela, Lebanon, the United States, and many others; see *ibid.*

124. E/CN.4/SR.653, p. 7.

Where a country finds difficulty in continuing to grant asylum, States individually or jointly or through the United Nations should consider, in a spirit of international solidarity, appropriate measures to lighten the burden on the country granting asylum.¹²⁵

During the discussion, the phrases "without prejudice to the sovereignty of States" and "the purposes and principles of the United Nations" were added. Thus amended, Article 3 was adopted by the Commission.¹²⁶

The remaining article (the revised draft) presented considerable problems to the Commission. The basic problem related to the question of providing adequate safeguards for the individual escaping persecution without restricting unduly the liberty of action of the receiving State.¹²⁷ Some delegates argued that the protection of the life of the individual should be placed above the freedom of action of the State, with as few exceptions as possible. These delegates were in favour of specifying in Article 3 the occasions on which a State may legitimately expel, return, or reject at the frontier a person seeking asylum.¹²⁸ Those who opposed the existing draft of the article felt that a State must be allowed a maximum of freedom in deciding whether or not to grant asylum to an individual.¹²⁹ They pointed to the difficulties in specifying all the situations in which a State may find it impossible to grant asylum to an individual. Some delegations found the exceptions—reasons of national security and criminals constituting a danger to the community—in the article too narrow.¹³⁰

125. For the text of the amendment, see *Official Records of the Economic and Social Council* (1960), Supplement No. 8 (E/3335), pp. 12-3. The word "responsibility" was completely dropped from the Article as amended.

126. The Commission adopted Article 2 by 15 votes to none, with 3 abstentions; see E/CN.4/SR.654, pp. 2-5.

127. This is how the Indian delegate expressed the problem; see E/CN.4/SR.655, p. 4.

128. For the most comprehensive statement of this position, see the statement of the delegate of France; *ibid.*, pp. 2-3. He made a special plea for cases of asylum where a person was running from imminent threat to his life.

129. It may be noted that international law places no restrictions in this regard.

130. See, for example, the statement of the delegate of Poland; E/CN.4/SR.655, p. 6. The Indian delegate insisted that the interests of the local population must come before those of the fugitive; *ibid.*, p. 4.

Others found them too general and vague.¹³¹

During its 658th meeting, the Commission adopted Article 3 as revised by the delegation of France and as further amended by other delegations.¹³² As adopted, the article consisted of three paragraphs; the first stated the duty of the State regarding asylum, two issued mentioned the exceptions to this duty, and the third introduced the concept of provisional asylum where the State was unwilling to grant it.¹³³ With respect to the second paragraph, the Commission had rejected the Indian-Lebanese amendment stating as exceptions that a State may legitimately make: "reasons of national security, public safety and welfare".¹³⁴ In this connection, the Commission also voted to delete reference to "protection of its population".¹³⁵ Many delegates who voted for the adoption of Article 3 explained their vote by saying that without Article 3, the Declaration would have been meaningless.¹³⁶ One delegate stated that he would not have voted for it had the Commission been considering a covenant.¹³⁷

The dissatisfaction with Article 3 was such that the Commission voted to reopen discussion on it at its 659th meeting. This move was based on a desire to have the article adopted with greater support than it had received and to have the second paragraph include some reference to the protection of the population of the receiving country.¹³⁸ An Iraqi proposal combining paragraphs one and two of the article was adopted by the Commission.

131. E/CN.4/804, pp. 15-6.

132. For a text of the article as revised by the delegate of France, see *ibid.*, p. 14. For further amendments that were made to the proposal, see *ibid.*, pp. 15-6. Article 3, as a whole, was adopted by 10 votes to 5, with 3 abstentions; E/CN.4/SR.658, p. 3.

133. For details, see *ibid.*, pp. 14-5.

134. The Lebanese amendment was rejected by 6 votes to 6, with 6 abstentions; E/CN.4/SR.657.

135. *Ibid.*

136. E/CN.4/SR.658, p. 6.

137. Statement of the delegate of Belgium, *ibid.*, p. 4.

138. E/CN.4/SR.659, pp. 2-3.

Paragraph three, which became number two, was also adopted.¹³⁹

The Commission then adopted two additional articles for inclusion in the Draft Declaration on the Right of Asylum. The first addition, suggested by Lebanon, provides that a State granting asylum is entitled to require the individual to refrain from acts contrary to the purposes and principles of the United Nations. The second article was suggested by Iraq and guarantees "the right of every individual to return to his country as stated in Article 13(2) of the Universal Declaration of Human Rights".¹⁴¹ The Draft Declaration on the Right of Asylum was adopted as a whole on 15 March 1960.¹⁴²

The Draft Declaration on the Right of Asylum, as of 1962, has been before the Third Committee of the General Assembly which has adopted a

139. The Iraqi proposal states: "No one seeking or enjoying asylum in accordance with the Universal Declaration of Human Rights should, except for overriding reasons of national security or safeguarding the population, be subjected to measures such as rejection at the frontier, return or expulsion which would result in compelling him to return or remain in a territory if there is well-founded fear of persecution endangering his life, physical integrity or liberty in that territory." See *ibid.*, p. 4. It is not clear from the article how a State is expected to determine if the fear is well founded.

140. The Lebanese delegate felt that an article to cover relations between the State granting asylum and the other States was needed. He felt that this could be done best by stipulating that he should do nothing to impair friendly relations; E/CN.4/SR.658, p. 6. For some objections raised to this proposal, see *ibid.*, pp. 7-8, for statements of the delegates of the United Kingdom, of France, and of Belgium.

141. The delegate of Iraq felt that where the right to leave was mentioned the right to return should also be mentioned. He further underlined the responsibility of the country of origin to take back persons whom it had caused to seek asylum. It was adopted by 13 votes to none, with 5 abstentions; *ibid.*, p. 11.

142. The Draft Declaration as a whole was adopted by 12 votes to none, with 3 abstentions. The delegations of Lebanon, of Iraq, and of Venezuela were absent. They later stated that if they had been present, they would have voted for it; E/CN.4/SR.662, p. 2. For a complete text of the Draft Declaration, see *Official Records of the Economic and Social Council*, Eighteenth Session, Supplement No. 7, Annex. I.

Preamble and Article 1.¹⁴³

Conclusion

The work of the Commission and the Third Committee on Asylum may be characterised as: (1) an unsuccessful attempt on the part of some delegates to break away from existing international law and practice, or (2) the successful attempt of other delegates to make efforts in line with international law and practice.¹⁴⁴

The reference to international law and practice in connection with asylum appears to have taken three forms. The first, and most obvious, has been in defining and delimiting the scope of the right of asylum. One illustration of this is the change made in defining asylum in the original (E/CN.4/L.454/Rev.1) and in the revised drafts of the Draft Declaration on Asylum proposed by France. The original defined asylum as a right of every individual whose life, physical integrity or, liberty was threatened; and the revision changed it so that it became the right of every State to grant asylum. Secondly, international law and practice have been restraining

143. For details of the work of the Third Committee, see *GAOR*, Seventeenth Session, Third Committee, 1193rd-1198th meeting (November 1962). In an introductory statement on the Declaration, the French delegate stated that he considered the Draft to be between "temporary expedients and a legally binding instrument"; *ibid.*, p. 289. The Soviet Union delegate, in a similar statement, declared that a serious defect of the Draft Declaration was its failure to establish a legal foundation for the institution of asylum. For his view on asylum, from the point of view of international law and practice, see *ibid.*, p. 291. The delegate of Venezuela, in a statement to the Third Committee, gives the impression that he expected the Declaration to be a legally binding instrument. In such a case, he states that the work of the Committee will be in vain; *ibid.*, At the 1193rd meeting, the delegates of Norway and of Togoland have moved for deletion of references to national security and protection of the population because they may be used as a pretext for restrictions. Norway also suggested that the idea of provisional asylum should be omitted since it has "no recognized meaning in international practice," *ibid.*, 1193rd meeting, p. 293. With respect to Article 3, the delegate of Argentina states that "Article 3 laid down a highly humanitarian principle which, however, has not yet acquired any obligatory force in public international law"; *ibid.*, p. 295.

144. This is, of course, not intended to suggest that economic, political, and social factors did not have much to do with the decisions made.

factors in the attempt to provide the individual with the right to be granted asylum, the attempt to include diplomatic asylum as a part of the right of asylum, and the attempt to place some responsibility for granting asylum in the hands of the international community and the United Nations. Where such principles as international responsibility for asylum have been included, they have been stated so as not to prejudice existing law and practice. Thirdly, principles already established in existing law and practice—the right of the State to grant asylum or the fact that asylum granted by a State shall be respected by all other States—appear to have had the greatest support in the work of the Commission as well as the Third Committee.

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Printed by A. R. Minhas at the Panjab University Press, Lahore,
and published by Iqbal Husain for the University of the Panjab.

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