Abstract

Dr. Muhammad Hamidullah (1908 A.D.-2002 A.D.) is one of those eminent scholars of the Indian subcontinent who have left great impact on the Muslim world through their significant contribution to the fundamental sciences of Islam and great services to the society at large. Although he belonged to Hyderabad (A.P., India) but he passed major parts of his life in Paris occupying himself with giving lectures and writing books on major religious themes especially Qur'ân, Hadith, Fiqh and Islamic history. His published works on these subjects are about 150 and have been universally recognized in the academic circle from the point of richness of material and high standered of research.

In the field of Quranic studies, his contributions are mainly, translations the Holy Qur'ân into three languages of West i.e. French, English and German, edition and publication of Mushaf-e-Uthmâni and collection and compilation of the bibliography of translations of the Holy Qur'ân in 125 different languages of the world. Dr. Hamidullah's contribution to Hadith literature is also much significance. He did his best to establish the authenticity and historicity of Hadith literature with strong evidences and convincing arguments. In the field of Hadith Dr. Hamidullah showed main interest in the study of history of its compilation and in the discovery of the earliest collections of Hadith. He
was successful in this venture as he discovered some very early collection of *Ahâdîth* including *Sahifah Hamâm Ibn Munabbih*. On the basis of these collections he removed the misgiving spread by orientalists and also by some unknowing Muslim scholars under their influence that in the early period, the *Ahâdîth* were transmitted only orally and there was no system of preserving them in written form. So, the *Ahâdîth* cannot be considered accurate and reliable. He brought out impressive evidences to show that apart from a number of companions who had prepared their own personal collections of *Ahâdîth*, a large number of *Ahâdîth* had been dictated by Prophet Muhammad (SAW). Another contribution of learned author was collection and compilation of *Kitâb al- Sard*, one of the earliest collections of *Hadîth*.

In the field of Islamic history his works are mainly related to the *Sirah* of Prophet Muhammad (SAW) in French, English and Urdu. The significant contribution of Dr. Hamidullah to *Sirah* is that he has written on such aspects of *Sirah* which were not touched by other scholars or were dealt with in marginal manner like judicial system in the time of Prophet (SAW), political life of the Prophet, state administration, diplomatic relation and educational system in the period of the Prophet (SAW). With regard to the *Sirah* another significant contribution was collection and compilation of the documents of the times of the Prophet.
(SAW) which included the text of his letters and that of his agreements with the people of Makkah and different tribes of Madinah and adjoining areas. He also discussed the role of different tribes in the development of the Prophet’s mission, which helps to understand the background and rationale of many decisions taken by the Prophet (SAW) particularly in relation to his agreement with different tribes. Dr. Hamidullah also studied thoroughly the Prophet’s relations with his contemporary rulers with reference to the original sources and his study contributed to give a good understanding of rationale of his relations with different rulers and tribal chiefs. Moreover, he brought out several reasons for the importance to the study of Sirah of the Prophet (SAW) for Muslims and non-Muslims in the present days when modern sciences had made unimaginable progress.

As far as Islamic law is concerned, Dr. Muhammad Hamidullah was well-versed in this subject and showed keen interest in spreading this knowledge to the Muslim world through his lectures and writings. Dr. Hamidullah’s works on Islamic law has also distinction from the point of view that his studies with reference to original sources help to dispel the doubts created by the orientalists and other writers about different aspects of Islamic law. Through his research work, he impressed on the western scholars to understand the importance and originality of Islamic law and
to give up the false claim that it had borrowed many points from Roman law. In fact his discussion has placed the Islamic law on the higher pedestal.

His contribution as a scholar of Islamic law had been remarkable. A part from translating the works on Islamic law in Urdu from different languages, he himself produced many important works on this subject. In these works he thoroughly discussed different aspects of Islamic law and provided guidance to the Muslims in the new situations of the present day world. The works give Shari'at's attitude towards many new aspects of social, economic and political life such as Imāmat of woman, marriage of Siamese twin sisters, woman in army, legal profession in view of Islamic law, imposition of additional taxes, insurance, system of governance, scope of Khilāfat in modern times etc.

He also examined the sources of Fiqh and methodology for bringing out legal points through them. His discussion about the importance and scope of Ijtehād, principles of its application and contribution of early jurists to the development of this institution has great significance. It is noteworthy that while responding to the problems of modern period, he himself applied the mechanism of Ijtehād. His emphasis on the institutional Ijtehād was a revolutionary step in this direction. His contribution to Fiqh and Islamic law also included
discovering and compiling the important documents of the Prophet’s time which contain basic rules and regulations of Islam for the conduct of relationship with non-Muslims.

A very important work of learned scholar about Islamic law is related to International law particularly his study of the rules and regulations of Shari‘ah which governed relationship of Muslim state with non-Muslim subjects and countries. He is considered the first Muslim scholar who contributed to this important subject in English in a very systematic and detailed way. His works on Islamic international law are significant in several respects. Firstly, they bring to forth important aspects of Islamic international law that hitherto had been almost unknown both in the Islamic countries and the West. Second, his studies dispel the misgiving that Islamic law recognises only one category of relationship between the Islamic state and other states, that of war and belligerency. Thirdly, they examine the development of the concept of neutrality in Islamic international law. Fourthly, these works bring to forth the legal concept and practices of Islamic international law according to the requirements of modern world. Moreover, Dr. Hamidullah did his best in drawing attention of the scholar of the whole world to the Charter of Madinah as “the first written constitution of the
world”, which contained very rich material about the international relations in Islam.

The present work is an attempt to bring forth the significant achievements of Dr. Muhammad Hamidullah in the field of Islamic law. The whole study has been covered up among seven Chapters which are as follows.

1. Dr. Muhammad Hamidullah: His Family Background and Personality
2. Dr. Hamidullah’s works on Qur’ân, Hadîth and Sirah- A General Survey
3. Critical Study of Dr. Muhammad Hamidullah’s Works on Islamic Law
4. Dr. Muhammad Hamidullah’s views on Islamic Law
5. Dr. Muhammad Hamidullah’s Perception of Ijtehâd.
6. Dr. Muhammad Hamidullah’s Juridical Response to the Problems of Modern Period
7. Dr. Muhammad Hamidullah’s Studies on Islamic International Law.

The first Chapter (Dr. Muhammad Hamidullah: His Family background and Personality) is divided into three sections. The first section gives details about the ancestors of Dr. Hamidullah with his
genealogical table. The second section deals with his early life, education, taking into account those distinguished teachers who helped to build up his personality as a scholar and thinker. The third section discusses his academic life as a teacher, writer and promoter of Islamic learning. The work concluded that Dr. Muhammad Hamidullah was born in such family of Islamic scholars whose thoughts influenced him for developing his intellectual ability. Dr. Hamidullah has endowed his own life for the propagating the teaching of Islam. While delving into his life, it seems as if he spends his whole life according to some certain set-frame. Initially, Dr. Hamidullah spends all his life vigor to gain knowledge and crossed each stage to conquer every front of Islamic knowledge. Later on, when his intellectual capacity developed in a concretized way and got access of the knowledge of Islamic studies, he superseded all his contemporaries in writing and delivering the lectures on the Qur'ān, Hadith, Fiqh, Islamic history and international relation of Islam.

The second Chapter is related to the study of Dr. Hamidullah’s works on Qur'ān, Hadith and Sirah literature. This Chapter evaluates his works on the above subjects giving a brief account of the contents of each work. The third Chapter (Critical Study of Dr. Muhammad Hamidullah’s Works on Islamic law) contains a detailed study of Dr. Hamidullah’s works on Islamic law with critical approach. The forth Chapter examines
the views of Dr. Hamidullah on definition, concept, philosophy and distinctive features of Islamic law gives his standpoint about legislation and amendment in the Islamic law and influence of Roman law on Islamic law. Dr. Hamidullah’s perception of *Ijtehād* and his views about scope, principles of *Ijtehād* and mechanism of institutional *Ijtehād* in modern period has been discussed thoroughly in fifth Chapter. In this Chapter, the work also pointed out important issues which had been discussed by Dr. Hamidullah in a short way.

The sixth Chapter (Dr. Muhammad Hamidullah’s Juridical Response to the Problem of Modern Period) gives a critical analysis of Dr. Hamidullah’s juridical views about socio-economic and political problems of modern period. While presenting his solution to the new problems, Dr. Hamidullah applied the principle of *Ijtehād* to bring out the *Shari‘ah*’s attitude toward them. The work also observed that Dr. Muhammad Hamidullah had extensive knowledge of *fiqh* and *Usūl al-Fiqh*, and he was competent for *Ijtehād*. He expressed his views over different aspects of *fiqh* and whatever he said, authenticated it with evidences. It has been proved that apart from *Qur‘ān, Hadith* he also had extensive knowledge of *Sirah*, Islamic history and *fiqh*. He remained fully aware of the contemporary problems. Besides, his suggestions are also well worth.
The seventh and the last Chapter of the thesis evaluates Dr. Muhammad Hamidullah's contribution to Islamic International law. The Chapter contains detailed study of Dr. Hamidullah's Urdu and English works on this important subject of Islamic law mainly with reference to three conditions – peace, hostility and neutrality. The work also presents principles of Islamic international law on different aspects of peace, war and neutrality, given by Dr. Muhammad Hamidullah. In the concept of peace, he dwelt at length the principles of sovereignty, independence, jurisdiction and diplomatic relations. In war, he brought to forth the laws of commencement of war, kinds of war, declaration of war, prisoners of war international treaties, termination of war and its effects. The learned scholar has discussed the concept of neutrality in the light of Qur'ān, Hadith and historical facts and has examined the principles under which the neutral behaviour can be accepted.