

Law-making bound by fundamental principles

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LAW-MAKING in Islam is bound by the fundamental principles given by the Quran. The day-to-day problems, on the other hand, can be discussed and solved by mutual consultation according to the needs of time and circumstances, but within the boundary line of the fundamentals. That is why the Quran does not touch upon details, which are changeable. It is only in certain special cases that they are not left for man to decide such as in the law of inheritance.

Fourteen of the permanent values were enumerated in the article published in the Magazine Section of "The Pakistan Times" of January 19. Here are the remaining ones.

(13) In the Quranic social order the state becomes a symbol of divine attributes guaranteeing fulfilment of God's promises. The life and property of the believers are at the disposal of the state; and in lieu of it, it is the responsibility of the state to provide peace and plenty to the individuals, i.e., a heavenly life on earth. "Allah has purchased of the believers their persons and their wealth, surely for them (in return) is

a heavenly life" (IX: 111). Thus it is a solemn contract that binds the believers with an Islamic state.

(16) In such a state, the sources of production are for the benefit of humanity as a whole. The Quran says: "It is He Who has created all that is on the earth for your collective benefit" (II: 29). Again: "It is We Who have given you the authority on the earth and provided you (humanity) there in the means for the fulfilment of your life" (VII: 10). It is further said that the means of sustenance belong equally to all who need them (XLI: 10).

(17) From the above it follows that all that is surplus to the needs of an individual belongs to society. "They ask thee," says the Holy Book, "how much they are to spend (for the benefit of others); say: what is surplus (to your needs)." (II: 219).

This spending on others is not by way of charity but by way of their human right: "We provide you with means of sustenance only because it is prescribed by the divine law. We do not intend to receive any personal benefit from you, nor thanks" (LXXVI: 9).

(18) The Quran condemns and prohibits usury in the strongest terms and has differentiated between trade and usury: "Allah hath permitted trade and forbidden usury" (II: 275). The Quran only allows a return in lieu of one's labour. In trade one puts

in both capital and labour, while in usury only capital is invested. Thus interest on capital is disallowed while genuine profit in trade is allowed. Every type of profiteering also falls in the domain of usury.

(19) Islam lays great stress on charity. Sexual relationship

between mankind were out one community, then they differed" (X: 20).

To reorganise the universal brotherhood of man, the Quran has prescribed one fundamental code of life for humanity; in other words, one world government: "Oh mankind! there

The distinguishing feature of the concept of Islamic rule must be kept in mind, that in it the obedience and fidelity are exclusively due to Allah; and the only means to put it into practice are the Quranic injunctions and principles. In Islam the obedience is not at all due to a king, a parliament, a person or an institution; it is only due to the Quranic injunctions which prescribe the limitations of our politics, social living, freedom and restrictions. In other words, an Islamic rule is the rule of the Quranic principles and injunctions and for the establishment of this rule you need a territory and a State.—The Quaid-i-Azam

between a man and a woman has come to you a (common) code of life" (X: 58).

(21) The welfare work may be confined within parties, countries or nations. According to the Holy Quran however, only that which is constructive and beneficial for mankind as a whole survives. The Quran says "All that is useful to humanity survives on the earth" (XIII: 17). As a first step towards achieving this goal it

(20) The next permanent value is the universal brotherhood; directs mankind to co-operate

with one another without distinction of race, colour, country or nation. This co-operation should be in affairs which are constructive and based on permanent values; and not in those which are destructive and unlawful: "Co-operate with one another in matters of broad-mindedness and matters consistent with the divine law, and do not co-operate in matters of sin and enmity" (V:2).

(22) Distinction between man and man on the basis of caste, colour, race or language is forbidden in Islam. According to the Quran, there is only one criterion for the division of mankind: the division on the basis of ideology. Those who believe in the permanent values of the Quran, belong to one group; and those who do not believe in them belong to the other group: "It is He Who has created all of you, some of you are non-believers and some of you are believers." (LXIV:2)

(23) The greatest distinguishing feature of Islam, perhaps, is the freedom of choice. There is not even compulsion for belief in the Quranic fundamentals. A decision that is not willed is no decision. Thus, non-believers are under no compulsion to join the ranks of believers: "There is no compulsion (to follow) the way of life based on the Quranic fundamentals. The right direction is henceforth distinct from error" (II:256). Thus there is freedom of choice whether one follows this way or that way: "Say:

(fit is) the truth from the Lord of you (all). Then whosoever will, let him believe and whosoever will, let him disbelieve" (XVIII: 30).

In the social order based on Quranic fundamentals, it is not only that the non-believers are allowed to disbelieve but the Quran also enjoins upon the believers to protect them and their places of worship. "Had not Allah checked one set of people by means of another," the Quran says, "there would surely have been pulled down monasteries, churches, synagogues and mosques in which the name of Allah is commemorated in abundant measures" (XXII:40). But it is important to note that when one willingly joins the Quranic social order, then it remains no more optional to follow this way or that. Then he is bound to obey the Quranic law.

(24) The defence of the Quranic social order is a sacred duty for which the believers have been commanded to raise arms. It has been enjoined: "Fight in the cause of Allah, those who fight you. But do not transgress limits for Allah loveth not the transgressors" (II:190). The transgression here means using force for compelling others to accept Islam as their way of life.

(25) According to the Holy Quran, it is the duty of a messenger of God as well as a believer to strive hard for the

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establishment of a social order based on divine law. His first step would be to establish it at the place of his birth. But in spite of his best efforts the circumstances around him were not favourable, he should leave that place and migrate to another land with suitable environments. His objective should be to establish a social order and not to worship a particular locality. The choice lies between his wealth, property, relations and place of birth, on the one hand, and the Quranic social order, on the other. He chooses the latter and sacrifices the former. This type of migration is termed by the Holy Quran as 'Hijrat'. It is not a migration in search of food or wealth, nor is it an escape from difficulties; it is, rather, a more feasible and practicable procedure and a part of his struggle to establish the Quranic social order. That is why the words 'Hajiru' and 'Jahidu' often come together in the Quran: "Those who emigrated and strove in the way of Allah" (II: 218). 'Hijrat' is part of 'Jihad' or, rather, the best part of it.

As stated earlier, the above description presents the more

prominent fundamental principles that one comes across during the study of the Holy Quran. These principles were proclaimed to the world fourteen centuries ago by an orphan who was unlettered before the descent of Revelation and who belonged to a backward, uneducated, unskilled and undisciplined community of idol-worshippers of Mecca. He was born at a time when the edifice of the world civilisation, that had been built through the past 4,000 years, was razed to the ground; when despotism was the rule of the day; when superstition dominated the human thought; when every tribe was thirsty for the other's blood; when the way of life prescribed by the earlier messengers of God was thrown overboard and was replaced by chaos and disruption. In short that was the time when the forces of disintegration prevailed upon the entire human society.

The principles described above are immutable and provide guidance for the development of human personality as well as the smooth running of society, as truly today as they did 1,400 years ago; and they shall remain as such for all

time to come. Anything constructive that we find in the human world today is in consonance with these principles: and anything positive, constructive and lasting that man is in search of shall be available from this very source. Anything repugnant to this code of life is bound to be negative, destructive and perishable. The more a nation follows these principles, the more will it pulsate with life; the more a nation forsakes them, the more misery and disappointment will it experience. In the words of Iqbal:

ہر کجایسی دنیا زنگ بو
آنکہ از خاکش بروید آرزو
یا ز نورِ مصطفیٰ اورا بہا است
یا ہنوز اندر تلاشِ مصطفیٰ است

"Wherever you find a world displaying life and beauty from the soil of which blossom sublime aspirations, it has either al-

ready received light from Mustafa (peace be upon him), or is still in search of that light."

'Al-Deen,' or the Quranic way of life, cannot be made to compromise with the Western democracy, nor can it be raised on the existing orthodox religious structure. In order to achieve the object of establishing the Quranic way of life one has to demolish all man-made socio-political structures. The fundamental difference between 'al-Deen' and the Western democracy is that the latter is based on the principle of people's sovereignty while the former is based on Allah's sovereignty in human affairs. In the Western democracy the matters are decided and laws are made by majority of votes, while in the Quranic way of life decisions are bound to be based on Quranic fundamentals. Thus in the Western democracy any law is liable to be changed any time if the majority decides to do so; in the Quranic social order the limits laid down by the Quran cannot be trespassed even by hundred per cent votes. The Holy Rasool (peace be upon him) was right even when there was nobody

to second him. However the day-to-day problems can be discussed and solved by mutual consultation, according to the needs of time and circumstances but within the limits set by Quranic fundamentals. The Government machinery in an Islamic State is only an instrument to enforce what is lawful and prohibit what is unlawful according to the Quran. 'Al-Deen,' it may be remarked, is as much averse to 'Mullaism' as to the Western democracy because according to 'Mullaism' even the minutest details pertaining to human life have all been adjudicated by our ancestors in which there is no scope for any change. The other most distinguishing feature of the Quranic way of life is 'Tauhid', which means one God; One code of life laid down by Him and given to mankind for guidance, through His last Prophet; one united 'Ummat' obedient to this code. According to the Holy Quran anything contrary to this is 'Shirk' which means ascribing partners to Allah. In an Islamic state there should be one code of laws, covering both personal and public affairs, applicable equally to all. The distinction between personal and public

laws and different laws for different sects is alien to an Islamic way of life. Mullaism has divided the 'Ummat' into sects, whereas the Quran says: "Those who create differences in 'Deen' and divide themselves into sects (O Prophet) you have nothing to do with them. Leave their affairs for Allah to decide. He will tell them, how they acted" (VI: 160). Again it is said: "But rather than preserve their unity, people split themselves into factions. Each faction rejoices in what it adheres to." It is said further: "Turn unto Him (and Him alone) and be afraid (of the consequences of turning away from His laws), establish the social order based on His guidance and be not among those who create cleavage in their social order and resolve themselves into various sects where each sect is obsessed with its own view of it" (XXX: 31-32).

Thus, any success in the achievement of an Islamic social order in Pakistan, depends on doing away with parties, political as well as religious, as the first step. That is the firm decision of the Quran, however odd it may appear to party-mongers.