BOOK REVIEWS


Mr. Leonard Binder endeavours to analyze the interaction of Islamic political theory and constituent process in Pakistan since 1947 until the promulgation of the ‘Constitution of the Islamic Republic of Pakistan,’ in 1956. As he explains in the preface, ‘This study is primarily concerned with the conflicting theories of the nature of Islamic state, the manner in which they were stated and the process by which they were altered.’ Following logically this scheme of thought, he has divided the subject-matter into three sections: Part I—Orientation; Part II—Substantiation; Part III—Alteration. Part I is further divided into three chapters dealing with Tradition, Ijma’ modernism, and Catalyst respectively. These chapters are devoted to the task of recapitulating three variant interpretations of the Islamic political theory in Pakistan, namely traditional interpretation of the ‘Ulamā’, the liberal theory of the Westernized middle class and finally the fundamentalist theory of Maulana Maudoodi. Part II deals with the actual exposition of these theories in the context of the constituent process. This part concentrates on a descriptive analysis of the impact that these theories had upon the process of constitution-making around the idea of Islamic constitution and state. Part II deals with the process of gradual alteration in the positions of the advocates of these theories as conditioned by exigences of practical politics. Mr. Binder has greatly enhanced the academic value of his study by incorporating two appendices. These appendices contain crucial parts of the report of the Board of Ta’limat-i-Islamiyah, an advisory body of the Constituent Assembly of Pakistan. It is quite surprising that he managed to obtain these reports which were neither meant for publication nor for public consumption and to which access had been desired by the present reviewer and two other Pakistani writers. As a matter of fact all papers relating to the Board were classified as confidential documents. This is the reason that perhaps Mufti Muhammad Shafi’, an important and influential member of the Board expounded his views in an unofficial publication entitled: ‘Basic Principles of the Quranic Constitution of the State.’

Mr. Binder starts his study with a rather subjective observation when he says: “Any practical application of the body of social and historical experience known as Islam to the government of the modern society must contend with the accumulated and rationalized expression of that experience as personified by the ‘Ulamā’” (p. 10). This statement is based upon two erroneous assumptions: first that Islam is the name of a body of social and historical experiences or rather the social and historical experiences of certain centuries; and secondly, that ‘the accumulated and rationalized expression of that experience is’ personified by the ‘Ulamā’. This definition of Islam runs obviously contrary to the unanimous understanding of Islam as a body of beliefs and moral norms for human conduct as contained in the Qur’ān and as exemplified by the Sunnah of the Holy Prophet. Some Western writers newly initiated into oriental studies are prone to confuse what is Islamic with what is Muslim. It is not correct to identify the activity of Muslims of a given place at a definite point of history with Islam. It needs to be recognized that the Muslim community in the course
of its historical evolution has not necessarily maintained the normative Islamic pattern, and therefore, to judge Islam solely in the context of Muslim history, is a fundamentally mistaken approach. However, Islam in its broad sense of social and historical experience can be applied only to that period of history in which the Prophet and his Companions had engaged themselves in fashioning the Arab society on the foundations of uncompromising monotheism and Divine Injunctions as contained in the Holy Qur'an which was revealed to the Prophet. Again, it is equally wrong to regard the 'Ulamā' as the exclusive personification of the accumulated and rationalized expression of that experience, since the 'Ulamā', in spite of being an important force in the evolution of Islamic community have never played the rôle of an organized Church or ordained priesthood. It seems that the writer in using the term 'personification' has quite unconsciously projected categories of the Judeo-Christian thought in describing Islamic institutions.

Mr. Binder, in denying the uniqueness of the unity of religion and politics in Islam, asserts that the invocation of religious sanctions in the legitimate exercise of political power had never been absent from Western practice. Perhaps in making this assertion, he may be partly correct; however, he misses the peculiar social and historical circumstances in which Islam was born. The comparison of Islamic institutions with those of the Western civilization has serious limitations. In making such comparisons, it should be kept in view that the Islamic community grew out of the Arabian tribal milieu which was characterized by the absence of any pre-existing imperial edifice, whereas the early Christian community had arisen within the Roman Empire. From its very inception, the Church had not only an existence separate from the State but also had been its potential rival. Therefore, secularism in the context of European civilization naturally meant separation of the two with their respective delimited spheres of action. Secularism in this sense has been injected into contemporary Muslim thinking by the Western impact. However, during the course of the medieval history of Islam, secularization of political authority never took place in this sense. Even most of the despotic Sultans had always considered it their sacred duty to enforce the Shari'ah, since even the rise of kingship could not absolve the king from the ultimate supremacy of the Shari'ah. There may be a few exceptions where the kings might have unsuccessfully tried to circumvent the Shari'ah. Mr. Binder's thesis at best may correctly be applied to the Ottoman period. In Turkey, the secularization of political authority in effect meant the minimization of the influence of the Shari'ah Law? But this thesis cannot be strictly applied in the case of any other phase of Islamic history. In short, in Islam religion and politics are so inextricably interwoven that it is hard to sift the one from the other because there had never been anything analogous to the Church within the Islamic community.

Another striking feature of this book is its highly interpretative analysis. The writer discovers a simple formula by which he explains away the whole Islamic history. The crux of this formula is that three basic principles have governed the course of the political history of the Muslim empire namely, unity, continuity, and divine guidance (pp. 12-20). According to him, during the lifetime of the Holy Prophet, unity meant the achievement of a confederation of
Arab tribes into a community; divine guidance meant the continuation of the Prophetic leadership. The Caliphate was a new device to give continuity to the principles of Arab unity and divine guidance. So far so good. But he illogically stretches the application of these principles on to the interpretation of the Caliphate during the subsequent periods. The growing complications in the structure and concepts of the Islamic community under changing social circumstances had brought in many new forces and factors which need to be reckoned with. Therefore, such a unilinear interpretation of all the complex phenomena of a civilization has its own defects. Mr. Binder while applying this formula to the orthodox Islamic political theory of the Abbasid period says that unity had come to mean strict political unity under a single Caliph, divine guidance had come to mean divine right and historical continuity had come to mean the hereditary right of the Abbasids to the Caliphal throne. This interpretation is quite arbitrary. It may be categorically stated that divine guidance was never asserted as a divine right. The assumption of the dignified title of 'Allah by some Muslim kings was either nominal or ceremonial, it was never a declaration of divine right. The theory of divine right in its Western sense was never upheld either by orthodoxy or by the Sultans. However, the application of this formula perhaps in the case of the rebirth of the classical theory under Ottoman Sultanate, may be right to some extent although many other factors must also be taken into consideration.

Discussing the traditionalist position on the question of Islamic state in Pakistan, Mr. Binder says, "As unimaginable as it may sound, Pakistan was simply equated with the entire Muslim community, and its government with the Caliphate," (p. 22). In fact, this was not the case; the traditionalist 'Ulama' were fully aware of a hard political reality of the territorial character of Pakistan, and they sought to make an experiment with the traditional Islamic political theory within Pakistan in order to set an example before the world. They knew fully well that the Caliphate could not be re-established within the territorial limits of Pakistan alone. Their traditionalism lies in their insistence upon basing the constitution of Pakistan on the precedents of classical times. That is the point where they differed from the fundamentalists and the liberal politicians.

At another place, Mr. Binder remarks, "Westernized leaders of the Muslim League had in mind some mutation of European nationalist theory, but the 'Ulama' were obviously incapable of reconciling nationalism and Islam (p. 22). The Muslim League, in expounding the two-nation theory, had not created any myth but had only given expression to a hard political and historical reality. In direct opposition to the Hindu Culture, the Muslim community in India was grounded in Islam and its traditions. Therefore, on the one hand there was the need to couch the nationalist thesis in Islamic terminology, and on the other, to reconstruct political decisions in terms of nationalism as required by the exigences of Indian politics. It would be hence wrong to suggest that it implied any mutation of the European nationalist theory. The nationalist theory was simply conditioned by all pervasive religious phenomena of Indian life. Again Mr. Binder thinks that the 'Ulama' were obviously incapable of reconciling nationalism and Islam. This general statement needs to be controverted by
referring to a large number of ‘Ulamā’ known as nationalist Muslims who had whole-heartedly accepted the concept of Indian nationalism. There was quite a quibble over this question between Allāmah Iqbal and Maulānā Ḥusayn Aḥmad Madani. The nationalist ‘Ulamā’ had boldly stated that ‘it is the country and not religion that makes a nation.’ Among the ‘Ulamā’, only a few supported the Muslim League, and it was not until the achievement of Pakistan that the ‘Ulamā’ had to accept Pakistan as a fait accompli. Moreover, it would not be quite correct to maintain that the ‘Ulamā’ were unable to reconcile nationalism with Islam since it would be disproved by a cursory study of Maulānā Azad’s Tarjumān al-Qur’ān.

Mr. Binder perhaps taking the cue from certain contemporary Orientalists has made the modernizing middle class of Pakistan the target of his bitter criticism. He contemptuously calls them modernists, apologists, romanticists etc. They are condemned as cheap imitators of the West who have only a superficial view of the Western culture. But Muslim reformist liberalism is the most stabilizing force in the Muslim community, because it views Islam as the progressive and civilizing force in human life. Some Western writers like Mr. Binder are fond of equating the conservativism of the traditionalists with Islam; but Muslim liberals are essentially not what they have been made out to be. The liberals maintain that Islam is consistent with modern life. Modernization is, however, not necessarily interchangeable with westernization as held by many Western writers, including perhaps Mr. Binder himself. If these are coterminous at a given time, that is incidental. Muslim liberalism seeks to modernize Muslims without westernizing them. There is nothing to prevent us from using science and technology without doing any violence to the bases of Islamic outlook and values. Muslims were themselves pioneers of sciences and arts for a long time. If they seek to pick up these things again, no one should grudge. Another thing that perhaps worries the Westerners about the so-called westernized middle class is the fact that they have such a keen insight in the Western civilization that they can very well discern both its weak and strong points. Like other Muslim countries, in Pakistan also the so-called westernized middle class, in dealing with their social, economic, and political questions, have shown a great deal of awareness and prowess in attempting to forge a synthesis between Islamic ideals and modern life. The real problem is how to modernize without bringing in the evils of the West. Therefore, those who identify the traditionalism of the ‘Ulamā’ with Islam, only wish to demonstrate before the world that Islam is incapable of promoting human progress in modern times. That is the reason why the shrewd but unsympathetic writers do not hesitate to show disgust for an Iqbal and a Sir Sayyid Ahmad Khan in the Muslim world. On the other hand, the only people whom they appreciate and admire are those secularists who are prepared to half-christianize the Muslim world. Recently, some Western writers have shown their reluctance to advocate secularist movement lest it may take a turn towards Communism; and in such situations, they are willing to support fundamentalist forces only as a temporary strategy against Communism. This attitude of mind only tends to deepen the cleavage of thought among the various groups, and divides their loyalties to Islam, and provides scope for the inroad of new gospels from abroad. A section of writers is inclined to throw the weight
of its opinion in favour of any new movement, be it a religious sect or a religio-
political group or any so-called reformation as a matter of deliberate policy to
deepen confusion and to perpetuate internal dissension.

The second part is much more neatly organized and more firmly argued. The general trend of Mr. Binder's interpretation of the process of substantiation of these viewpoints in the constituent process seems to be sound. The writer has utilized interviews, reports, newspapers, and other documents in recapitulating the course of events during this phase. He has been able to analyze the process of substantiation with thoroughness and scholarly dexterity. His conclusions are also fairly objective and correct.

The concluding part of the book deals with the process of alteration that had occurred in the positions of the conflicting theories of Islamic constitutionalism in Pakistan. In fact, these viewpoints had altered their respective positions in order to arrive at a *modus vivendi* which could be written into the draft of the final constitution. This part contains readable material. However, since the writer has further classified the general category of the Westernized middle class into politicians, the bureaucracy and the military, his comments deserve careful scrutiny. Mr. Binder appears to show leniency for bureaucracy. The fact is that from the very beginning, the bureaucracy had been actively engaged in politics and had materially, although imperceptibly, influenced the course of politics from behind the secretariat buildings. The general orientation of the bureaucracy has mostly been westernist, leaning heavily towards secularism. From the very beginning the civil servants were drawn into politics, since a few influential portfolios were always held by them even in the first cabinet of Pakistan under Mr. Liaquat Ali Khan.

On page 239, in the Introduction to Part III, Mr. Binder, commenting upon the role of the Military in the politics of Pakistan, says,

"The military, with the sole exception of the abortive Rawalpindi conspiracy, kept itself even further out of politics than did the bureaucracy. In view of the subsequent coup of General Ayyub Khan it is all the more interesting to note the number of occasions on which the military could have acted but did not. A partial explanation of this inaction may lie in the fact that Ayyub Khan was not retired from the post of Chief of the General Staff when his normal term was up; and we note that Pakistan's first Chief of Staff was implicated in the Rawalpindi conspiracy five months after his impending retirement was announced."

This statement needs to be refuted squarely, since the writer reflects on the genuine intentions of Field-Marshal Mohammad Ayyub Khan who had turned down many a time the requests of the Governor-General to take over the administration from the civilians. If he had wished, he could, at any time, force the politicians out. But the credit goes to his innate love for democratic government which deterred him from taking such a drastic action. This statement further implicates Field-Marshal Mohammad Ayyub Khan, indirectly but quite unfairly, in the premature retirement of the former Chief of Staff who was involved in the Rawalpindi Conspiracy. However, it would be quite evident from records that his career in the military service had always been above any blemish.
On page 241, referring to Quaid-e-Millat Liaquat Ali Khan's decision to combine in himself the offices of Prime Minister and the League President, Mr. Binder says, "Some rather questionable tactics were used to accomplish this manoeuvre." Mr. Binder accuses Liaquat Ali Khan for having used "questionable tactics" but does not substantiate his allegations by any evidence. Sincere scholarship demands that such irresponsible statements should not be made. In fact, the motivation behind combining the League Presidency with the Prime Ministership, was to assure greater and closer co-ordination between the League organization and the League parliamentary party. Moreover, from the very inception of Pakistan, the League organization had suffered a great setback because its leadership had to concentrate upon the task of setting up a viable administrative machinery. This decision was taken also for providing a more vigorous leadership to the Muslim League. It would be wrong to suggest that it was only a manoeuver to prevent the Muslim League from criticizing government policies.

Mr. Binder's book deserves the attention of all serious students of Pakistan who may usefully apply themselves to its careful study. The author has done a painstaking job in collecting all the relevant materials regarding the most sensitive question of Islamic constitutionalism in Pakistan.

Karachi.

MANZOOR-UD-DIN AHMED.


Prof. Tarik Zafer Tunaya is an ex-professor of Constitutional Law and Political Science, University of Istanbul who is at present Turkish Delegate at NATO Headquarters, Paris. He has produced this book on a subject of topical interest. It is a welcome addition to his well-known work Türkiye'de Siyasi Partiler (Political Parties in Turkey).

The first part of the book surveys the development of Western ideas and institutions in the Ottoman Empire from 1718 to its downfall in 1918. The second part is devoted to the process of Westernisation in the Turkish Republic. The third and the last part deals with the different viewpoints on the problems raised by Westernisation in recent years.

The penetration of Western ideas into the Ottoman Empire began in 1718. Modernisation of the Ottoman Army served as a vehicle of Western influence. After 1826 the process of Westernisation became smooth and steady as the Yeni Ceri (called Janissaries by European writers) organisation whose influence over the Sultan's government had assumed alarming proportions, was abolished and entirely wiped out by a total massacre of its members. The ulama who were influential in Ottoman politics were also associated with the Yeni Ceri. With the abolition of the Yeni Ceri, therefore, the Sultan's government got rid of these two influential institutions in so far as the introduction of reforms was concerned. This historic event happened during the reign of Mahmut II who is generally called an enlightened despot by Turkish historians, but was referred to as "Gavur Padishah" meaning "Infidel King" by his conservative Muslim subjects.