Book Review


Pakistan, ever since its birth, has been beset with the grim crisis of identity. Even after the lapse of over forty-five years, its citizens have not yet been able to decide about the system of their polity. People with their divergent political views continue to harp on different strings. Currents and cross-currents at the intellectual level have confused the issues, leaving people totally nonplussed. Some say that Pakistan was created because of economic compulsions, while others are of the view that it came into being for setting up an egalitarian society, where Muslims would exercise their political rights as an independent community. Both these groups look upon religion as a private matter, having little to do with the affairs of the state.

On the other hand, there is a religious group of people which argues that Muslims struggled for a separate homeland so that they could shape their destinies in accordance with the Islamic teachings. They look upon Islam as a complete system of corporate life and think that religion cannot be separated from the affairs of the state.

The author feels sad at this growing polarisation. To overcome this riddle, he attempts to recount the predominant features of the legacy of Islam in order to bring into sharper focus the complex dimensions of the existing dilemma. He is convinced that without proper understanding of this legacy, the predicament of Muslims of Pakistan cannot be properly appreciated. To him, the need of the hour is to create conditions wherein only the elements of the Muslim nation could flow into the mainstream of our national life and become its integral part.

It is a point of great satisfaction that despite geographical and political divisions and linguistic and cultural diversities of the Muslim Ummah, there is an underlying element of unity and continuity in the evolution of Islamic
religious and political thought. It is essential for students of Islamic philosophy to comprehend the true spirit of Islam. Only then, one could hope to understand the role of Islam and the ramifications of the present crisis in Pakistan.

Islam is a perennial source of inspiration and guidance. As such, its intellectual dynamism has enabled its followers to interpret Qur'anic injunctions in the context of changing temporal conditions. The fundamental point for proper comprehension of Muslim society can be ensured only when the Qur'anic concept of unity of physical and spiritual aspects of both the individual and the community is properly understood. Physical and spiritual aspects of life are not allowed to have separate existence. Rather, they merge into a single harmonious whole.

The author holds that for proper enforcement of Shari'ah in our body politic, the institution of an Islamic political government is a pre-requisite. It provides security to the life and property of the people, ensures justice for all members of the society and enables them to perform their duties in accordance with the teachings of Islam. The Prophet (peace be upon him) established the principle of obtaining the consensus of his Companions in all matters of the State. This enforcement of the Shari'ah has now become the fundamental principle for legitimacy of an Islamic political government.

In Pakistan, unfortunately, no major breakthrough has been made in the enforcement of Islamic Shari'ah. By and large, Pakistan is still governed by the laws enacted during the British colonial rule. The basic problem is the fact that 'ulama' in Pakistan rely rather too much on fiqh. They overlook that Shari'ah is the Divine Law and the Fiqh is the human understanding of the Shari'ah. They also fail to realise that the fiqh is not a codified law in the modern sense but is a huge corpus of legal opinions; verdicts and decisions given by the juris-consults at different times and different places. Their judgments, despite their sound erudition, are products of human intellect and, as such, cannot be considered the last word. The 'ulama' in Pakistan have refused to acknowledge this and they insist that the decisions given by the earliest juris-consults are the only authentic and authoritative interpretation of the Shari'ah. The 'ulama' in Pakistan have not realised the difficulty of enforcing the fiqh in the face of different interpretations of the Shari'ah.

The author is convinced that the solution to the problem lies in unequivocal recognition that only the Qur'an and the Sunnah are the sources of the Shari'ah. As such, the opinion, verdict and decision given by the juris-consults cannot be treated as incontrovertible like the Divine Revelations. The opinion of the earliest juris-consults should serve as a guide and not as the final word on the interpretation of the Shari'ah. In view of the
sharp differences of opinion amongst the ‘ulama’ on the interpretation of the Shari’ah, the Parliament is the best forum for the interpretation of the Shari’ah and enactment of laws accordingly. There is a saying of the Holy Prophet (peace be upon him): “My Ummah will never concur on an evil”. The Parliament, in its collective wisdom and with the consciousness of accountability of each of its members to ummah, is not likely to enact a law repugnant to the Shari’ah.

The author reiterates that to treat the injunctions of the past juris-consults with the same sanctity as the Qur’an and the Sunnah is to regard the social, economic and political environment, in which these juris-consults lived, as permanent and unchanged to the present day. This would be unrealistic and would take away from Islam its dynamic character which makes it a divine system for all times. The intellect of the past juris-consults, human as it was, could not foresee the changes which were yet to unfold. We, in the modern world, are in quest of new interpretations, new forms, new expressions that may embody for our generations the truths and the values that the heritage has enshrined. Islam is a system of morality, of ethical values, to give man, and to instil in him, the sense of moral responsibility. The moral values are the crucial pivot of the entire Islamic system and are organically related to the law, which governs the day-to-day life of the society and, with social, economic and political changes has to be reformulated.

The author firmly believes that as history is movement in space and time, so the law in Muslim society is a dynamic development. Law is a process of which the historical stages in the past are available for study and guidance, of which the present and future development are matters of creative extrapolation. The Shari’ah, being the Divine Law, is a transcendent norm which cannot be fully comprehended by the human mind. What we understand of the Shari’ah is a human approximation, which, in its very nature, permits continuity and revision. Human reason is charged not so much with discerning unknown areas of facts as with uncovering the insights and directions implied in the Divine or Prophetic pronouncements.

The author concludes his scholarly discourse by saying that the legacy of Islam is there for our guidance. There is the life of the Prophet, whose most accurate record is preserved in the minutes detail. There is the model of the Islamic state established by the Prophet and followed by the four Rightly-guided Caliphs. There is the glorious history of Muslim political power and Islamic culture and civilisation spread over more than a thousand years. These are too vivid historical memories of not too distant a past to be set aside. Pakistan is destined to become a real Islamic state. Exact timings of its transformation, however, cannot be determined. One can only hope that the leaders and intellegentia of Pakistan will soon realise the
truth that getting crazy after material pursuits does not go well with the spirit of Islam. They should, at this point of time, be firmly told that people, who do not have a vision of transcendent values, are crushed under the burden of history. It will be a great tragedy if our people failed to read these bold writings on the wall.

Ghulam Sarwar

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