

Problem Confronting the Muslim World

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"Which in your opinion are the major problems of the Muslim World, the problems upon which the attention of the workers of Islam should be focused and, to the solution of which they should devote all, or the greater part of their endeavors?" This was my question to my friend who has been working for Islam, for the last thirty years. For a while he remained silent and then replied: "I considered three problems to be responsible for the disastrous state of affairs in the Muslim world: first the failure to distinguish between what God laid down in his Book and the Tradition of His Prophet, and the elaboration's derived therefrom by our leggiest; second, the plight of womenfolk in Muslim so Muslim society and the perversion of the meaning of "obedience to those in authority" to denote abject subservience and shameless acquiescence to rulers, regardless of the extent of the wrongs that they might commit and the injustices which they might perpetrate."

This observation was followed by a long discussion which centered upon these questions, with a view to the full appreciation of the importance of these problems and the realization of the need for earnest, unrelenting endeavor toward their solution. During the discussion, I found myself keenly responsive to the need for appreciation of the importance of these problems, and as my learned friend held forth on the subject, I had the feeling of a doctor's fingers probing sore spots. For these three problems do indeed occupy a pre-eminent position among those numerous maladies which afflict our body-politic. Moreover, these maladies are becoming chronic ones and as time passes we are getting used to them.

1. Distinction Between Shari'ah and Fiqh

The first of these problems is our failure to distinguish between what has been laid down by God in His Book and the Tradition of the Prophet (Sunnah) on the one hand, and the elaboration on their basis by our jurists, on the other hand. In deploring this failure, we neither wish to deny the value of the opinions of our Fuqaha nor to slight these venerable men in any way. On the contrary, we believe their work to constitute a great asset, a prized treasure of which we should feel proud. We believe that we should pore over the subtleties of their learning, and should derive the utmost benefit from it. What is necessary, however, is that we should at the same time be very clear about the following important points.

- I. That the Qur'an and the Sunnah constitute the Shari'ah of God which is binding on Muslims that these two alone form the ideological and practical basis of life for the Muslim nation.

II. That there is nothing strange in the fact that disagreements exist among people with regard to the interpretation of certain Quranic verses, or the authenticity of certain Prophetic traditions of their rendering, so long as people do not abandon the use of their intellects. What is important is that these disagreements should remain subject to arguments based on the texts of the Qur'an and Sunnah, and that the opinions of particular schools of Muslim Law on controversial points should not either owing to negligence or ignorance, be elevated to the point where they begin to be considered more authoritative than the texts of the Qur'an or Sunnah. Such a distorted view impairs our proper attitude towards the injunctions of God and His Prophet, as laid down in the Quranic verse: Judge between them by that which God hath revealed and follow not their desires (Al-Qur'an 5: 49).

Moreover, we should be careful that our attitudes on controversial points do not harden to such a degree that they prevent Muslims applying their minds to the understanding of the Shari'ah, although the Shari'ah itself remains the criterion for all differences of opinion; and every generation of Muslims has an ordinance from God to remain in direct and constant contact with the Shari'ah, as embodied in the Qur'an and the Sunnah: and if ye have a dispute concerning any matter, refer it to God and Messenger (Al-Qur'an 4: 59)

Abandoning reference to the Qur'an and attaching an exaggerated importance to the opinion of one's own school of law implies also the adoption of irrational attitude towards our Fuqaha of past generations who though they disagreed among themselves, did not claim infallibility for their opinions. Their disagreements were based on the texts of the Shari'ah available to them and with regard to its interpretation. It never occurred to our Fuqaha, however, that would become an impregnable wall preventing the radiation of the light of the Qur'an and the Sunnah or that they would be depriving all other Muslims of the right to applying their intellects to the understanding of the Qur'an and the Sunnah. Imam Malek has epitomized his view on the question in these fine words:

I am a human being. I can be right and I can be wrong. Examine every one of my opinions: accept those which conform to Qur'an and Sunnah, reject those which do not conform to the Qur'an and Sunnah.

III. That the Shari'ah of God, as embodied in the Qur'an and Sunnah does not bind mankind in muamalat (worldly dealings) except by providing a few broad principles of guidance and a limited number of injunctions.

The Shari'ah only rarely concerns itself with details. The confinement of the Shari'ah to broad principles and its silence in other spheres are due to divine wisdom and mercy, for the divine knowledge embraces human life in its totality: In all its spheres, in all stages of its development, in all periods of human history. Now, God was not incapable of laying down, had he considered

it good to do so, an injunction for every minor issue and a law for every new problem that might arise. The fact that the Shari'ah is silent on these points-and we should bear in mind that, as the Qur'an remarks, "God is not forgetful"-means only that the application of the general injunction Shari'ah to the multifarious details of human life, and the confrontation of new problems according to dictates of maslahah (public good) have been left to the discretion of the body of conscious Muslims. Moreover, if the Shari'ah has refrained from laying things down definitively in the form of clear-cut injunctions regarding matters about which God knew that people would disagree, and if it has not fixed regulations in respect of the problems which, of course, God knew would arise in human existence, all this due to God's mercy, for He wanted comfort, not discomfort, for human beings, and breadth, not narrowness in human life. The Qur'an has said;

God desireth for you ease: He desireth not hardship for you. (Al-Qur'an 11:185)

The Prophet explained this by saying:

God has enjoined certain enjoinders, so do not transgress them. He has prohibited certain things, so do not fall into them. He has remained silent about many things, out of Mercy and deliberateness, as he never forgets, so do not ask me about them.

The Prophet-peace be unto him- stressed this point repeatedly. Most illustrative of this basic characteristic of the Shari'ah, is his authentic saying:

Leave me as long as I leave you. Too much questioning brought only disaster upon people before you. Only if I forbid you doing anything, then do not do it, and if I order you to do something, then try to do whatever you can of it.

Since God has granted this freedom, and has left a wide margin of choice open to human being from sheer beneficence and mercy, it would be utter ingratitude and stark disregard for the spirit of the Shari'ah, to impose upon its ageless and merciful features, the variety of rigorous regulations in matters of minor detail which has been formulated by our leggiest in the past. These interpretations and elaboration of the Fiqh have been gradually misconceived as matters of indisputable validity, so much so that as soon as the word 'Shari'ah' is mentioned they come instantly to mind and impair the eternal freshness of the beauty and grace of divine mercy.

We who strive for the Islamic regeneration should make it abundantly clear to people that: this is the Shari'ah - the lenient Shari'ah - embodied in the Qur'an and the Sunnah, and God binds you to this and nothings else. As for our juristic heritage, handed down to us by our great ancestors who earnestly endeavored to interpret the Shari'ah in the face of continually new problems of life regarding which the Shari'ah had observed silence, in the light of Maslahah (public good) and with a due regard for the circumstances of their age - while profiting from this heritage, our attitude towards the Shari'ah should nevertheless be the same as that of our ancestors. Following

in their footsteps, we should apply our minds to understand it. We should also treat the circumstances of our epoch as they did theirs, and try to face our special problems in the light of Maslahah, as they did. And bearing all this in mind, our recourse to the vast, rich Fiqh heritage at our disposal should serve to strengthen our bonds with the Qur'an and the Sunnah, rather than preventing direct reference to these two original sources? It should help us to apply the Qur'an and the Sunnah to the circumstance in which we live in the same way as our ancestors did for their part. It is all together unrealistic to seek from our leggiest of the past solutions to the problems of our own age - an age of which they could have no knowledge - or to impose upon ourselves regulations devised to fit circumstances which no longer exist. And it is all together unworthy to abandon the use of our intellects to understand Islam (for it is that power of rational discernment, with which each one of us has been endowed, which makes us answerable to God) thereby reducing ourselves to the position of parasites, living perpetually on the fruits of labor bequeathed to us by our ancestors- by their heavy intellectual toils, unrelenting efforts and patient endeavor.

It can be asked: "Where do you draw the line of demarcation between the Qur'an and the Sunnah, and the interpretations therefore of the Fuqaha? Are the interpretations not the attempts of the Fuqaha to arrive at the true intent of the Qur'an and the Sunnah?" These are certainly reasonable questions. The reply is that our desire to distinguish between the two does not mean that we wish to dispense with Fiqh as such. On the contrary, all we want is for it to be clear that the texts of the Qur'an and the Sunnah are the true sources of guidance, the norms for our lives; that they alone constitute the Shari'ah which is binding upon us; that all opinions must be weighed with the Qur'an and the Sunnah as criteria; that every human being after the holly Prophet is fallible; that in every matter where there are no texts to bind us, the consideration of Maslahah alone is binding; and that the precepts for Maslahah change with changing circumstances and ages-as earlier Fuqaha have said : " Where there is Maslahah there is the God."

This distinction between the divine Shari'ah (as embodied in the Qur'an and the Sunnah) which is eternally binding and the details opined in its light by the Fuqaha should have a thoroughly healthy influence on contemporary Muslims, in a number of ways. It invests Islamic ideology with simplicity that should help cultivate deep in the hearts of Muslims genuine faith in their lord and in their Prophet. It restores the clarity of the original message of Islam. It restores also the luster to the Islamic ideology which it owes to the words of God and His prophet. Its provides a rallying ground for all Muslims, notwithstanding the existence of various schools of thought among them. Moreover, it should keep Islam intact in its original broad and vigorous form, in a form which provides scope and ease for human mind, and not discomfort and restriction.

It may also be asked: "Do you want to make the Qur'an and the Sunnah a tool of any imposters who step forward to interpret them according to their whims and desires once the door for their interpretation is flung open?" The reply, obviously, is "No." For when we talk of 'opinions' in Islamic matters, we mean 'opinions' and not whims and desires, and we presume piety and godliness to be basic with regard to problems relating to Islam. Further, there is no harm in trying to devise sound rules, of a scientific as well as of an administrative nature, which could effectively ensure specialization in studies relating to the Shari'ah as embodied in the Qur'an and the Sunnah, just as is attempted by all legal systems the world over.

Rather, it is our duty to ensure this. We shall thus have saved the Shari'ah from pollution by the whims and desires of false claimants to its interpretation. At the same time, however, we should try to ensure that specialization does not lead to the creation of priesthood in Muslim society, and that the door remains open for the consideration of all opinions, whatever their sources, purely on the basis of their intrinsic worth.

The second problem is that of the position of the womenfolk in Muslim society. In this regard also, as in regard to our social life as a whole, we are in a state of complete chaos, hotchpotch of competing forces; the remaining Islamic influence, our inherited traditions and extraneous influences which have crept into our life as a result of the enveloping wave of blind imitation of the West. This has created a myriad of problems in Muslim society, among which deserving of special attention is the problem of womenfolk. This is not so merely because women constitute something more than half the community. It is particularly pressing because it is a problem which affects the family, the very basis of our social life, and because of the deep and inherent relationship that it has with those factors which make for the cohesion of our society. It is in fact a problem that affects in its ramification most of aspects of our national orientation.

It is strange that we Muslims should neglect the important position of women. The Shariah has placed such emphasis on it in connection with the lives of those great men whom God entrusted with high tasks and whom He chose as the recipients of His revelation—those noble souls ordained to deliver God's message to mankind. In the story of Moses it is his mother, Pharaoh's wife and the daughter of Madyan who constitute great figures. In the story of Jesus, his virtuous mother is a great pillar of the story. The principal nobility and virtue among those who stood faithfully by the side of Muhammad (SAWS) in his apostolic mission was Khadijah, the compassionate and noble lady of Mecca. Indeed, the numerous verses of the Qur'an and the large number of prophetic traditions which speak of woman's status and of her rights and responsibilities, are quite sufficient to determine our attitude towards womanhood. The Holy Qur'an refers to their position while comparing it with the position of men in the sight of God and proclaims it to be one of complete equality:

"I shall not let the work of worker, male or female, be lost. You issue from one another."(11:195).

On other occasion it mentions the rights and duties of women as akin to those of men before mentioning man's administrative leadership of the family.

"And they (women) have rights similar to those (of men), according to what is equitable, and men are a degree above them." (11:228). On still another occasion we find Islam pointedly stressing gentleness and good behavior in the treatment of women. Said the Prophet in his last address:

"I advise you to be good to women."

It is not my intention to discuss the position of womenfolk in all its ramifications. What I have to say will be quite brief, but nevertheless of serious importance, for the time has come when we should be very clear as a number of questions relating to this problem and attention to the solution thereof. It should be very clear in our minds that woman, according to Islam, is intrinsically like her male partner. She is a human being endowed with the same essence of nobility which is shared by the whole human species. As far as human quality is concerned, men and women are absolutely alike:

"O mankind! Revere your Lord, Who created you from a soul and from that created its mate, Who thereof brought forth multitude of men and women." (4:1).

Moreover, each one, man and woman, will be held responsible for his own individual self:

".and every one of them will come to God, on the day of Resurrection, alone." (19:95).

This means that those who either believe, or whose behavior reveals the unconscious concept that woman is an inferior being who has to be subjugated, that she is merely an instrument for the self-indulgence of man-such people require a radical reorientation of their attitude towards womankind. Such people, by clinging to such unhealthy ideas, or through such unhealthy conduct, are grossly distorting God-given human nature and killing potentialities of thought, feeling and vitality in their partners of life.

It should also be clear that the unbridled self-will of certain women in other societies, or of those of our own who blindly imitate them, should not be countered by extremism on our part: by imposing on women what God has not imposed upon them, or by forbidding them what God has not forbidden. We should remember that women in the western world began to lean in the wrong direction from definite causes, at least some of which were undoubtedly related to social injustices, under the dead weight of which, women had languished for so long, imprisoned and ignorant, with no will or personality of their own. They revolted against this injustice-and this

revolt was a completely natural and genuine one. Then they began to lean in the wrong direction, becoming stubborn and headstrong. The same type injustice continues to have its strong-holds in our own society, where there are still people, though very few, who are proud of the fact that since the wedding night when their wives were driven home, they have not seen the street once. There are still other who consider themselves entitled to beat their wives if they dare to disagree with their views and advance an opinion of their own. Again, there are those who spend year after year with their wives and daughters without sitting down to discuss a problem with them or attempting to make them share their views.

Who would claim that any of these has anything to do with Islam? On the contrary, it is Islam which elevated women to heights of prestige which have neither precedent nor parallel in human history. At a time when womanhood in the West was held in such a state of impurity that even a woman's was an evil pollution of the Bible, Qur'anic manuscripts were held in the trust of the Lady Hafsa at Medina. At a time when Romans held conference to debate whether woman was a "person" or a "thing", Muhammad (SAWS) stood up to declare that "women are but the sisters of men" and to shatter the pre-Islamic era of darkness and injustice, so that a woman could argue with the Holy Prophet in the courtyard of the mosque and say, "I have been deputed to you on behalf of woman!" Indeed, it was Islam which, for the first time, established the status of women full-fledged members of human society and granted them the right to owe whatever they earned since the Qur'an proclaimed:

"Unto men of fortune from that which they have earned, and unto women of fortune from that which they have earned." (4:32).

Whatever standards of decency Islam has laid down in matters of dress and behavior between man and woman, they are all with the sole intention of ensuring the sanctity of the home and the inviolability of marital intimacy. Not one of these standards could ever imply an attitude directed towards humiliation of woman as regards her social status or her role in her relationship with man. When a newly married girl complained to the Prophet that her father had chosen her husband without consulting her, he immediately gave her permission to annul her marriage, to which she replied: "I have no personal objection to my husband and I accept him, but I wanted it to be known that a father has no right to impose a husband upon his daughter without her consent." In contrast to the then prevailing ignorance and plutocracy of tribal traditions, Muhammad (SAWS) enjoined the quest of knowledge as an integral part of faith, for men and women alike. He praised highly the women of Ansar with:

"Blessed be those whose modesty never prevented them from seeking knowledge.

Far from being rough or rude, Muhammad's (SAWS) consciousness of women's tenderness and delicacy was so intense that even in the impelling harshness of the desert, he gently appealed to Anjaashah, the caravan driver:

"O Anjashah, slow down a little, for thy camels are carrying glasses!"

This is only a glimpse of Islam: thus, how could we possibly be justified in so grossly distorting it by all sorts of misconceived traditions and beliefs? What could be more unjust, whether to Islam or to ourselves, than to misrepresent as we do, or rather to deform, the beautiful features of Islam? And consider when?-at a time when we are encountering the movement of so-called progress and emancipation, which is advancing like a storm and wreaking havoc in our lives.

It is imperative to realize that the really weak points in our society are those which provide genuine cause for feminine revolt, which can subsequently take an extremist turn and ultimately lead to unbridled feminine self-will. If we are serious about resisting this unhealthy trends, it is our duty to call a stop where God has done so, and combat the deceptive, misleading elements we are encountering by adhering to what God has laid down for us. We should neither depart from anything which God has decreed out of weakness or compromise, nor add anything to it from extremism and severity.

These things are relevance for all Muslims. But they are of particular importance to those who are actively devoted to the revival of Islam. I fervently wish that such people would put these ideas into effect; would stop at the point where the Shariah stops, and have the courage to proclaim and insist on what God has made binding on us, and that alone. This is essential in creating a strong wall around whatever of virtue and purity remains in our society. It is to be hoped that by so doing the workers for the cause of Islam will have created a real barrier, one strengthened by the word of God and His Prophet, against the sweeping, devastating storm which threatens Islam today. For, if matters are not clarified, and confusion is allowed to reign as it does today, if the good aspects are not separated from the bad, both in theory and by good example, the result of this confusion is bound to be this: the good elements will be mistaken for bad, and both will be swept away by the rising storm. This is not be in the least surprising. For there is neither a divine code which is being sincerely adhered to, nor is there any social system based on experience and clarity of outlook, and God has not appointed a gendarme to regulate the conflicting traffic of good and evil.

(Young Pakistan; Sep.17, 1968)