

THE NATURAL LAW IN THE MOSLEM TRADITION

Khalifa Abdul Hakim

(Director, Institute of Islamic Culture, Lahore, Pakistan. A.M., Punjab University, 1917; Ph.D., Heidelberg, 1925; Principal, Amarsingh College, Kashmir, 1943-1946; Dean, Faculty of Arts, Osmania University, Hyderabad, 1946-1948; author of *Islamic Ideology*, and of numerous books and articles on Islamic thought in Urdu and English).

THE NATURAL LAW IN THE MOSLEM TRADITION

IT IS ONE of the most essential elements in the analysis of the concept of Natural Law that it is universal and objective, is rooted in the nature of things and in the nature of humanity. But in the moral code of nations, tribes and diverse human groups, there is also an element of relativity and morality seems to change with the latitude and the longitude, so we find an interesting or sometimes confusing diversity in customs, conventions and laws. The problem of the absoluteness or relativity of truth and goodness is at least as old as the Greek Sophists, and it may be that it emerged much earlier in various civilizations of which we have no certain record. The problem has been raising its head over and over again in various epochs and among various cultures. It does a great credit to the catholicity and wisdom of the organizers of this symposium that they should have felt that dealing with the objective and universal foundations of law and ethics, they could not confine themselves to inviting only the thinkers and jurists born and bred within the Christian tradition. When a discussion is limited to a circumscribed background and confined to debating within the framework of one national or religious tradition only, it necessarily loses its trait of universality. In the conflict between religion and science the greatest rapier thrust of science against religion has been the universality and objectivity of science over against the particularity and subjectivity of religion. Science has surely

united humanity at least in its concepts though it may destroy humanity by being divorced from the belief in all those intrinsic values which may be collectively designated either spirituality or philosophical idealism. Universal morality or spirituality should have and could have contributed much more to the solidarity of humanity, but, alas, religion like racialism and nationalism divides much more than it unites man with man in bonds of brotherhood. By religious bigotry and schisms the essence of spirituality and universal love has been considerably weakened. Science having obtained universality and objectivity challenges the validity of all religions. The challenge has not been squarely faced by any religion as yet, though admirable individual efforts are sometimes made in this respect.

Materialism, during the last century and a half continued to fortify its own stronghold, at the same time undermining belief in those eternal verities which lie at the basis of all essentially human existence. Every advance in physical science tended to belittle and almost annihilate the very man who was so proud of discovering the secrets of physical causation. It began to be said in the last century that out of every three doctors one at least is an atheist having been convinced of the utter dependence of the soul on physiological processes. Now it is said that the much-vaunted personality of man is a matter of the secretion of his glands. Everywhere the higher is explained away in terms of the lower. Man became only first or second cousin of the ape, so, to understand man you have to understand the ape more thoroughly. Reason, the discoverer of universality, uniformity, or laws, when applied to the human being, turned out to be a most

obedient servant of the instincts which man shared with the tiger, the wolf, the ox and the ape. Science arrived at certain conclusions like the following which began to be believed as self-evident truths: Matter is the ultimate reality; its working is blind, though inexorably uniform. Human values are not rooted in divinity or any cosmic reality and in the words of Bertrand Russell, science has no place for values. There is nature and there is law, and combining the two, you simply say that there is such a thing as natural law, but this natural law is loveless as, vice versa, in the case of numerous human beings, love is lawless. There appears to be some design in the universe at large and in the make-up of a leaf of grass but the wonder of wonders is that there is no designer; there is a cosmic architecture but there is no architect. The book of Nature is worth reading and it is a fascinating study, but the book has written itself and there is no author. Truth and Goodness have biological origins and they are also subjected to the struggle for existence and the survival of the fittest; whatever succeeds and establishes itself becomes true and good for the time being. The position that the Greek Sophists had adopted has been strengthened a hundredfold by the achievements and speculation of modern science. In many of the intellectual and academic centers of European and American civilization, still dominated by the hypothesis of materialistic science, and still living under the spell of sensate culture, it has become difficult to talk about Natural Law in the spheres of ethics and jurisprudence.

In order to establish a thesis about the reality or universality of Natural Law, one is compelled to adopt the Socratic method of defining one's terms before starting any

discussion. The word Nature has always been a very ambiguous term with various and sometimes divergent and contradictory connotations. For Socrates and Plato it meant one thing and for Aristotle it had a different meaning. For Plato, only universal concepts exist eternally and what we call Nature is but a poor, shadowy, imperfect and distorted imitation, and change is comparatively unreal.

For Aristotle the nature of a thing is what its entelechy represents, that is to say the perfection of form which it is destined to attain. Ultimate reality, identified with God, is self-thinking Thought or Goodness which statically rests in itself unmoving and unmoved; all conscious creativeness and dynamism are foreign to it. The Stoics adopted the motto "Live according to Nature" and by Nature they meant Universal Reason which is immanent in the universe. In Vedantism and Buddhism Nature became Maya or Illusion, the product of Avidya or Cosmic Ignorance, and salvation meant not living according to Nature but getting rid of Nature mainly through the realization of its unreality. In the West too, Christianity for long continued to be an ascetic creed saying "No" to life and turning its back upon Nature. I will not say much about it for fear of abusing your hospitality and treading on dangerous controversial ground.

Gentlemen, you invited me from across the seven seas primarily with the object of hearing what Islam has to say or teach about the subject of Natural Law. Now I will try to keep myself within range of my topic.

Islamic Ideology is like a pyramid with only one point at the top. Islam is a mono-theistic creed and everything in it follows from its concept of the unity of God. From

this one concept follow its ethics, its entire sociology, its politics and its economics and from this one concept follows as a necessary corollary its attitude toward science and the physical universe. As God is one Who is the Creator or Sustainer of the Worlds, we live in a Universe and not a multiverse. God's relation to his Creation is not completely comprehensible and no analogies can be of much service because in the words of the Quran, there is nothing like unto Him. The Muslim consciousness has never bothered much about the relation of God's immanence to His transcendence. For a Muslim, God is immanent as well as transcendent; the how and the why of it lie beyond the reach of perceptual or conceptual knowledge, and the imagination can create symbols only. From the unity of God, Islam derives not only the corollary of the unity of all the worlds but the unity of humanity as well. The Quran says all human beings are essentially one, because they spring from a single being or a single soul. The Prophet said "All human beings are the children of one God and God is my witness when I say that they all belong to one family." Let us follow these corollaries still further. From the unity of humanity and its basic sameness Islam drew the conclusion that all true religion is one. It is an essential part of the Muslim Creed to believe that no nation on earth has been left without at one time or another having been taught the essential truth of religion and all the teachers whom we call prophets had essentially the same message. Everyone taught the unity of God and exhorted his people to practice the basic virtues. Conventions, customs and modes of worship have differed from age to age but the essentials of religion and morality have remained the same. Gen-

erally, people in the West think that Islam is a special kind of religion with certain distinctive dogmas preached by Muhammad. It will help us in the subject of our Natural Law if you, at the outset, remove that great misunderstanding from your minds. Muhammad claimed to promulgate no new creed or dogma. He never tired of saying that he was presenting the same thing that Abraham and Moses and Jesus taught. Few Christians know that a Muslim cannot remain a Muslim if he does not believe in Christ or Moses or utters one blasphemous word against them. In our daily prayers we recite verses of the Quran which praise these great servants of God and humanity but Islamic monotheism is uncompromising. Christ or Muhammad or Abraham may be saturated with the attributes of God in so far as it is humanly possible but none of them is to be worshipped as a complete incarnation because God cannot ever be completely incarnated. A great Muslim, the Sufi philosopher Rumi, has said that a piece of iron in fire may begin to look like fire itself and may imbibe many of the attributes of fire but still iron and fire are not completely identified. The Universal Creator, the Cosmic Absolute, can be only one; two coeval absolutes are inherently impossible.

I said in the beginning that science challenges the validity of religion because of the lack of universal laws in religion. Islam anticipated that challenge and answered it. Islam asserts that religion is universal and ought to be universal. Science has been arrested at the stage of physico-mathematical mono-realism. It is suffering from a fixation at one aspect of a universal reality which comprises not only Matter but Souls. When Science has released itself from its prison house of measurable data and

begins to take in the imponderabilia of religious consciousness, then it will be compelled to seek the further unity of the spiritual and the physical world, which is bound to lead ultimately to that Supreme Unity which creates and sustains all. In the very first lines of the Quran, Allah is characterized as merciful, beneficent and forgiving and the sustainer of all worlds, "Rabb-ul-Alameen." Islam without being pantheistic in any extreme and untenable sense had put forth the concept of God as immanent in all Nature through His power, will, wisdom and love. God's primary revelation is His entire creation which comprises all Nature. The concept of the supernatural does not exist in Islam; the Quran says all creation is meaningful and every phenomenon is a sign and a symbol pointing towards God. The word *Ayat* is used in the Quran for a verse in the scripture as well for a phenomenon in Nature which signifies an identity of both types of revelation. As all creation is meaningful so all creation is alive; there is nothing which naive common sense or science calls dead matter. Nature is not simply a background or a theatre for the tragedy or comedy of man; due to the unity of the Creator everything in Nature serves the whole and is served by the whole. Nature's Laws are God's thoughts thinking themselves in orbits and tides. As there are signs of God's power and wisdom and beauty in all Nature outside man, so are these signs inscribed in the hearts of all men.

Lest I may be suspected of reading my own thoughts into the ideology of Islam, let me quote verbatim some verses from the Scripture which deal with the problem of Natural Law. In the Quran the one true and universal religion is given the name of Islam, which means Peace

as well as Surrender to the Will of God. This two-fold meaning signifies that God is Love and Peace and demands Love and Peace from His creatures. Peace is secured in the physical universe through an ever-increasing harmony and by those uniformities of behavior which form the special sphere of investigation of physical sciences. The Quran teaches that Laws of Nature are the established ways of God and they do not change. Islam in this sense is not only the religion of all the prophets and the common element in all spirituality, but it is the religion of the entire Universe because the Universe becomes an ordered whole only by submitting to the will and wisdom of God. Here is a literal translation of a most pivotal verse about the nature of religion. Says the Quran, "This is the Nature of God on which he has formed and moulded the Nature of man. The understanding of this Nature constitutes right religion; in the Laws of God's creation you will find no alteration." (Rum 30) No religion which is not based on this divinely ordained human Nature, common to the whole of humanity, can be called true. No religion other than this is acceptable to God. This religion is revealed in Nature in general and a special revelation of the same religion is made to the prophets. The verses of God's revelation are inscribed with letters of light in the starry heavens, in the prophetic consciousness and in the minds and hearts of those who reflect rightly on Nature within and Nature without. Here are some verses teaching that when God created the souls of humanity, He made them enter into a covenant with Him. The Creator asked the souls "Am I not your Lord and they replied, yes." So obedience to Nature as constituted by God is implicit in every soul.

Islam does not contemplate wrapping up religion in mysteries or demanding assent to irrational or ultra-rational dogmas nor does it issue commands that are dictated by an outside authority only. About wisdom and guidance the Book says, "Those who possess knowledge, these clear verses and these obvious signs are inscribed in their breasts and only those dispute them who are unjust" (to themselves and to others). (Ankabut 49) "And why do they not reflect on their own souls?" (Rum 81) Purity of reason which reflects the purity of heart reads God's and Nature's signs and symbols aright. The Quran says, "He who is destroyed is destroyed in spite of obvious signs and reasons and He who is granted real life is granted it because of evident reasons." (Anfal 42)

I must repeat that one of the distinctive features of the Quranic revelation is that it obliterates the distinction between the natural and the supernatural and trains humanity to seek God in the common phenomena of Nature. In the Quran the main argument for the existence of God is what is philosophically called the teleological argument. The orderly movement of the stars, the growth of plants, the wonderful adaptive anatomy of the camel are repeated in numerous verses as obvious proofs of the existence of a wise and beneficent Creator and Sustainer. Francis Bacon in his letters to Trinity College, Cambridge, says: "After the sacred volumes of God and the Scriptures, study in the second place that great volume of the works and creations of God." But the Muslim scripture does not give to the study of Nature a second place. The Quranic revelation is nothing but an exhortation to seek God in the daily phenomena before your eyes and in the workings of your own souls. Besides

this, the rise and fall of nations is interpreted from the viewpoint of eternal ethical principles. All natural causation is an effect; Islam is confident that a man who reflects rightly and reflects constantly on the meaningful and orderly occurrences in Nature will be surely led to comprehend God, the Cause, without whom the cosmic correlation of all phenomena and all experience would be incomprehensible. Even without religious experience of a specific nature, pragmatically, too, God would be postulated as the best working hypothesis. It would be a truth that would work much better than atheistic materialism, whether mechanistic, evolutionary or dialectical.

According to the Quranic teaching, religion is essentially a comprehension of the Natural Law and living in obedience to that Law, for only thereby shall man be true to himself, and only by being true to himself shall he be true to his God and just to the rest of His creatures and His creation. About two centuries after its advent Islam was assailed by Greek Rationalism and later on by acosmism of the Buddhistic or Vedantic type. Islam assimilated the best elements of Greek Rationalism but widened the connotation of rationality to an extent undreamt of by Socrates, Plato and Aristotle. To those who asserted that Nature was unreal like a madman's dreams, it replied that Nature was solidly real as God the Ultimate Reality is also the reality behind all appearance. The Quran taught about God, "He is the Beginning and He is the End; to Him belongs Appearance as well as Reality." He is the Abiding Essence in all Change and Change too, is not unreal because it takes place according to the laws promulgated by Him.

One might get impatient at this stage and say that

though the Natural Law Institute has a religious basis, we are concerned here more with man than with God so let us hear something specific about man. I hope I have not taken the name of God in vain. I was constrained to say something about this ineffable Reality because Islam has taught us that unless a man starts with a right conception of God, the conclusions that he would draw about the place of man in the Universe would be wrong, because the premises were wrong. All the essential principles and precepts of Islam and all the discipline that it recommends follow as corollaries from its concept of God. We are dealing in this Institute with the rights and duties and functions of man as a member of society and as a citizen of a state that follows some system of jurisprudence. What is man according to Islam? Without quoting chapter and verse from the Holy Book, I will try to give you in a nutshell what Islam thinks about the doctrine of the Fall of Man prevalent in the pre-Islamic Israelite tradition. Islam has not refuted that belief categorically but has touched it only tangentially. After the creation of the heavens and the earth, man was the last to appear. Originally his body was made out of the elements of the earth but the Lord of Creation infused His own Spirit into him. He was endowed with the liberty of choice which is an essential part of the divine Essence. Misled by Satan, the personification of Evil and Revolt, he exercised his liberty by some sort of disobedience, the nature of which is not specified in the Quran but is given symbolically as eating a forbidden fruit. But Adam repented soon and turned to God for forgiveness. Now it is one of the distinctive teachings of Islam that sin does not stick to any soul that turns sincerely to God after a

lapse; the disturbed equilibrium of life is again restored by Divine Mercy and a forgiven man becomes as pure as if he had never committed the sin. According to Islam sin is not an inheritable commodity, so the progeny of Adam was not poisoned by a hereditary taint. The Quran teaches that in the matter of spiritual life no man can bear the burden of another, or as you might say in your Christian terminology, that everyone has to bear his own cross. Islam does not believe in vicarious reward or vicarious punishment. Islamic doctrine of good and evil is that man is free to choose good or evil. With the Lord there is a sensitive balance in which good and evil deeds are being perpetually put in the scales. The Quran says that not an atom's weight of good and evil escapes this balance. An evil deed however, may be nullified by a counterweight of goodness. The Prophet said that all human beings are born with the basic nature common to all men; only parental influences or social pressures impose on them special creeds and codes. The Quran says that two ways are shown to man; he is free to choose either, with consequences that necessarily follow from the intrinsic nature of the deed. The Quran converted the legend of the Fall of Man into a doctrine of the potential dignity of man. All the angels or Divine agencies in the Universe were ordered to submit to Him; they objected at first fearing that this new creature, possessing the liberty of revolt, would cause bloodshed and create confusion in the Universe which was one symphony of praise for the Lord. Now again comes a distinctive feature in the Islamic version of this symbolical legend. It was not of the tree of the Knowledge of good and evil that Adam had eaten the forbidden fruit; it was ignorance and not

knowledge that caused the Fall, whatever be the nature of that Fall. Adam was thereafter rehabilitated through repentance born of knowledge of the nature of things that made him superior to the rest of the creation and made even the angels prostrate before him. His body and soul have been endowed with the best of constitutions, but liberty being one of his essential endowments, if he chooses to sink he may sink even below the animals, because all animals lead a life according to their natural instincts. So man, according to his nature, has a wide range of choice; he may develop towards the assimilation of Divine attributes, or if you excuse me a play on words in such a solemn topic, he may choose *devilupment*. If he understands his own Nature within, and the cosmic Nature without, he can conquer all Nature through knowledge and make it subservient to the realization of values that are human as well as divine. The Quran says that such a man becomes God's vicegerent on earth. If he submits to God, all Nature would submit to him; if he disobeys God, even a worm will get the better of him. Fear of God which means the fear of offending the nature of things, fear of violating the laws of God, and the fear of repudiating the ideals towards which he has to strive—of all these fears he will be relieved. In the words of the Quran, such a man "grieves not, nor does he fear anything." He has a vision of "the Mercy of God which covers everything," and where there is Divine Love and Mercy, there is no trembling before an uncertain Fate. Any impersonal cosmic destiny has no hold on him because he has identified his will with the will of God. Touching the feet of the Lord in voluntary and loving surrender he saves himself from falling at the feet of the devil.

All men are endowed with Reason and Liberty. The Quran says that the best of Divine gifts is wisdom; and wisdom dictates surrender which would dispel discord and lead to eternal harmony with God, with one's own nature and with the nature of things. Through wisdom and surrender man gets more and more power which is not an end in itself but a necessary means of the enrichment of intellectual, moral and spiritual life. I have already mentioned the Islamic doctrine of the unity and solidarity of humanity which implies that the fundamental code of human morality and the basic religion of all men must possess the characteristics of universality and objectivity. Whatever unites men in the pursuit of ideal aims is truth, whose other name is love, and whatever divides them is untruth which must lead to confusion and discord. Let men have different codes of manners and different modes of worship, but the essentials of ethics must be the same for all because they are inherent in the common nature of all men. Let them stand, sit, lie prostrate or kneel in their worship, but they must worship one and the same Lord. The Quran demands nothing else from the whole of humanity. Although I am not always giving literal quotations of verses yet I feel obliged here to quote two verses of the Quran which give in clear words the essence of a religion of humanity.

"The group of people who have believed (with the Prophet) and the Jews and Christians and the Sabians, whoever believe in God and the hereafter and do virtuous deeds, their reward is with their Lord, they shall not grieve nor shall they have any fear." (Sura 5, Verse 72)

In another verse it is repeated that whoever "turns his face towards God in surrender and does good to man-

kind," has the right religion in him and has attained well-being here and hereafter. But whence does man get the basis of his morals which should form the basis of laws for the whole of humanity? The principles of law must be the principles of ethics and when law gets divorced from ethics, it stultifies itself as, in modern times, economics and politics, cutting themselves adrift from ethics, have created a chaos in human existence. The teaching of Islam is that the fundamental principles are rooted in the nature of man, and men of knowledge, not misled by personal or collective egoism, can discover them. The Prophets of God act only as pointers and guides; they impart no new knowledge from above which was not potentially present in human nature itself.

The Socratic-Platonic theory of knowledge is that all true knowledge is only reminiscence. The Quranic Revelation is in complete accord with this theory. The Prophet is seldom asked to teach people this or that; he is ordered only to make people remember that which they have forgotten or overlooked. When the clouds of ignorance and forgetfulness are dispersed, the sun of truth will begin to shed its effulgence within their own souls. The entire Revelation of the Quran is called a *Zikr*, which means remembrance. When the different nations of the earth and the followers of different religions meet, they should not meet to convince one another about their distinctive dogmas and mysteries; if they do that, they will find no common ground. Religious faith is now eclipsed all over the world by the powerful influences of materialistic sciences. It has become difficult, almost bad form and a violation of etiquette to mention the name of God in an international gathering of politicians or jurists.

People have begun to say that for humanity, morality is enough and religion is nothing but morality tinged with emotion. I say, very well then, let us start with basic morality, although I have serious doubts whether morality can lead a healthy autonomous existence without being rooted in theism. It is, nevertheless, a step towards reality that the nations of the earth divided racially, nationally, and by narrow and fanatical interpretations of religion, meet and put their signatures to a Charter of fundamental human rights acknowledging thereby the common ethical basis of humanity. Humanity seems to be advancing towards God, though with uncertain and hesitating steps. When the present-day materialism has had its day and people begin to realize a common spiritual basis as well, they will put their signature to belief in one God as they have consented to believe in one world and one humanity, however their actual practice may fall short of their verbal professions.

I must repeat again that all basic principles of Islamic jurisprudence are corollaries primarily of its concept of God, or you might put it philosophically, its view of Ultimate Reality. Reason is an essential attribute of God which is manifested in all the gradations of existence — physical existence, organic existence including plants and animals, and human existence. As there is an ascending and descending scale of life, so there is an ascending and descending scale of Reason; but whatever be the level of existence, there is in it, according to the Quran, order and measure as it is explicitly said in this verse, "With Allah there are infinite stores of everything but whatever is created or manifested is done so in due measure and proportion." As at every level there is Reason which is

only another name of orderliness, so at every level there is providence, beneficence and guidance. Everything has its own peculiar nature or a distinctive law of its own being, but Nature taken as a whole has certain essential traits in common. It is on account of this that the Quran often points towards the realization of values that ultimately transcend the lower realms from which analogies are drawn. Man is asked to study the rationality of existence at all levels which would convince him that Reason is all-pervading and so is Beneficence or Providence all-pervading.

Now I will turn towards another tenet of Islamic faith which also follows as a corollary from what is said above. Reason is all-pervading and so is Cosmic Justice or Cosmic Love all-pervading, but their manifestation in humanity is not at the same level everywhere. In the common mass of humanity, Reason is blurred by inordinate desires, by social distortions, by vested interests and by what is now termed in psychology, rationalizations of the unfair demand of instincts. Reason and liberty which are ultimately meant to make man assimilate divine attributes get jeopardized through various personal and social factors. So God raises among humanity specially gifted, specially guided and specially commissioned individuals to purify the hearts of men and clarify their vision, not of mysteries, but of truths which are inscribed within their own souls. They tell the people that the Sun of Truth is there if they only open their eyes or windows. Belief in prophethood is an essential tenet of the Islamic faith. Reason unguided and liberty unchecked may take men headlong towards perdition. If pure Reason could manifest itself everywhere and be not overwhelmed by illusory desires there

would be no need of prophethood. But history bears evidence to the fact that individuals and nations begin to justify much in the name of Liberty and Reason which is diametrically opposed to their original purpose and destiny. The very first chapter of the Quran states that "when the evil doers are asked to desist from spreading confusion and tyranny, they reply they are doing nothing but reforming mankind." This clearly shows that merely professing faith in Reason, Justice, Liberty, Fraternity or Natural Law is of little avail because these generalities are used by tyrants as well as genuine lovers of God and Man. Look at almost recent Western history, the Reformation, French Revolution, American struggle for Independence and American Civil War, callous development of capitalistic industrialization especially in its early phases, the depredations of imperialism of one type or another, and the ethical codes of racialism and nationalism. Were not always some men at the helm of affairs on one side or the other in all these movements who were using highly idealistic slogans to justify the advancement of their base motives? Some were doing it consciously and others unconsciously, but all of them were using those very concepts which we have gathered together in this place to prove and establish for the peace and welfare of mankind. The great apostles of pure Reason like Plato and Aristotle, who deified it, were found wanting when trying to apply Reason to human welfare. Their society was three-fourths slave and only one-fourth free and they put their seal of sanction on the status quo by refusing to grant fundamental human rights to non-Greeks whom they called barbarians, which meant the whole non-Hellenic world; and Aristotle justified slavery

by trying to prove that slavery is a natural institution and a large mass of humanity are born as slaves for the service of the upper layer of society so that culture in the Greek sense may continue to flourish and leisure classes be free to enjoy life or philosophize. In the American war for the emancipation of slaves, Greek arguments and even pseudo-Christian arguments were used to maintain that inhuman institution. At the beginning of the colonial period in European expansion jurists began to promulgate the dictum that heathen populations subdued by Christian nations lose all rights. Being non-Christian they are hostile to God and Christ and the enemy of Christ forfeits all human rights. Nazi and Fascist racial nationalism was justified in religious terms and in terms of Natural Law, and Hitler proclaimed very often that he was commissioned by God to establish the superiority of the *herren-volk* which God and Nature meant to do. He said that the Natural Law of the domination of noble races had been violated by ballot box democracies and by mercy-preaching priests. He was saying the same thing theistically that Nietzsche, the Atheist and open enemy of God and Christianity, had taught. So we see that Natural Law can be invoked by saints as well as devils. The distinctive trait of Islam is that it realized this danger of leaving humanity to guide itself by Natural Law and Natural Reason. Natural Law stands in need of being interpreted and implemented by men of God who are not misguided by personal or class interests and mean desires. Islam teaches that every prophet was such an interpreter. The Quran laid down the principle that right religion is nothing but Natural Law rightly understood, but Natural Law must be formulated into

certain definite principles by a man whom God Himself has chosen. This work cannot be safely left in the hands of tyrants who have attained power by force and fraud, nor is it safe to trust the majorities created by successful electioneering caucuses.

The success attained by the Prophet of Islam is unparalleled in the history of prophethood. The writer on Islam in a former edition of the *Encyclopaedia Britannica* called Muhammad the most successful of all the prophets, and the English sage Carlyle when he sat down to write about the heroes of humanity in the various spheres of human existence, chose Muhammad as the Hero among the prophets, which took aback many a missionary and political propagandist against Islam. Allow me to tell you in brief wherein lies his great achievement. He made it clear for all times that religion essentially is belief in the Unity and Beneficence of God. From that followed the unity of all the worlds and the unity of humanity. But the unity of humanity could not be left as a mere doctrine or a sentimental assertion, or a remote and impracticable ideal. It must be implemented by principle, precept, example and legislation. The Quran says, however, that this unity must be achieved by love and tolerance and must not be attempted by force. The Quran has repeated in many places that God could have made all men believers by compulsion but He did not choose to do it. Not that he loved to see infidelity side by side with faith, for mere love of variety. All Nature below man, the stars above and worms below obeyed implicitly the laws of their being; they cannot choose to do otherwise. But Man has to submit to God through free-will; voluntary surrender to God stands higher in the

scale of being than surrender through unalterable fixed laws. Therefore the Quran issued the injunction that about religion and conscience there must not be any compulsion. Let men not attempt in their enthusiasm that which God has not chosen to do, notwithstanding his omnipotence. Muhammad and his few early followers were persecuted and martyred because religious liberty was not granted by the militant barbarous society in which Islam arose. For more than a decade they suffered torture and social ostracism as early Christians had suffered, but then came a time when permission was granted to them to repel force by force only up to a limit when the social and political order becomes safe for the liberty of conscience, not only for the Muslims, but also for the non-Muslims. The mighty Caliph Omar when he had made an extensive realm safe for Islam would not compel even his Christian slave to accept Islam. The slave refused to be converted and Omar said, you have a right to refuse; no harm shall be done to you; religion is free, Islam fought only to establish this right. When non-Muslims became protected and loyal citizens of the State, they were granted equality before law and equality of opportunity. The distinction between the rulers and the ruled was abolished. The protected non-Muslim citizens were not only granted complete religious freedom but the freedom to get their cases decided by their own laws and their own judges. All racial and tribal distinctions, privileges or lack of privileges were abolished by law. The Prophet in his last speech said "Hear ye people, an Arab has no superiority over the non-Arab, nor is the non-Arab superior to the Arab. Individuals become high and low through their character only; the best of you is he who

bears the best character." This was the first prophetic implementation of the solidarity of humanity. Islam lost much of its original vigor through the vicissitudes of history, but the great historian Toynbee says in his book on the clash of civilizations that Islam has succeeded in this respect as no other creed or culture has succeeded. In the society created by Islam, which extends from Morocco to Indonesia, racial and national distinctions are obliterated and Western racialism and nationalism, the major curses of modern humanity, have not been able to poison the wells of Islamic brotherhood. Division of humanity into hostile groups on the basis of color, caste or creed is unnatural because it strikes at the roots of essential human values and poisons all morality and spirituality. This is an outstanding example of the implementation of divinely ordained Natural Law by a divinely commissioned man.

In the interpretation of Natural Law, Islam also turned its attention to a division of humanity into a privileged and an unprivileged sex. The two sexes have a certain natural division of functions but about fundamental human rights there must not be any invidious distinctions resulting in domination and suppression. Islam granted women equality of civil rights and economic independence before any creed or culture had dared to attempt it. Marriage was made a civil contract in which any condition which is not immoral may be inserted. Later lawyers, jurists and decadent states did much to water down the rights of equality granted by Islam but in the recent awakening in all Muslim countries women had not to struggle for their elementary rights as they had to do in many non-Muslim countries because a mere appeal to

Islam accomplished what the suffragettes in England could not secure even after a hard struggle. Woman's right of inheritance, right of holding property in her own name, the right of choosing a partner in life and the unpalatable right of divorce were all granted by Islam, though about divorce, it was said by the Prophet that it is the most hateful thing that he had to permit, and all attempts should be made by the persons concerned and by well-wishers to restore amity between a married couple. It is unnatural to compel incompatible and unwilling partners to live together in forced intimacy.

In the field of economics too, Natural Law was interpreted by Islam and certain definite injunctions laid down. All avenues of exploitation were blocked though the right of individual initiative, and private property were upheld subject to certain conditions so that unsocial instincts of selfish men do not have an opportunity to profit by this permission. All surpluses at the end of a year were subjected to a capital levy of a fixed and reasonable proportion so that, to quote the words of the Quran, "wealth does not circulate only among the rich." Partnership of capital and labor on equitable terms was allowed but interest on money and all bargains suspected to be usurious were prohibited. Creating even large capital by honest trade was permitted and a landed estate could be acquired and developed by private effort but at the death of the owner it must be split up by inheritance. The law of primogeniture, which created feudalism and big-landlordism, was not recognized by Islam. Muhammad's injunctions about the basic principles of economic life are a thing apart from laissez faire individualism and complete totalitarianism. If the Islamic system were followed,

hostile classes of haves and have-nots would not develop. Islamic economics has socialistic and equalitarian trends but it is definitely against totalitarian control of all economic life. If Islam allows liberty in religious belief and ways of life to all citizens it would certainly not curb liberty of initiative in trade or manufacture or holding of private property or right of inheritance. But all rights are subject to the demands of social security and general well being. As has been said by certain Muslim jurists, there is hardly any right in which Allah has not a share; in that sense no right is absolute, and it is generally understood that in Muslim law Allah stands for public weal. Islam is such a great believer in religion and virtue being based on Natural Law that the word used for morally and legally right action is "Maruf," which means "the well-known." Certain fundamental principles of virtue are so well-known that nobody can seriously dispute about them or deny them. But the Quran says that the unjust dispute about them. In another place, the Book says that whatever excuses a man may be concocting, deep down in his soul he knows that he is defending a wrong and indefensible position.

There is a great emphasis in the Quran on doing justice to all under all situations.

The righteous people are those who exhort people to follow the well-known path of virtue and prevent them from doing the opposite. (Tauba 971)

God orders you to practice justice and generosity. (Nahl 1393)

Do justice even to your enemies. "Let not the enmity of a nation incline you to become unjust to it." (Maida 13)

"O people who believe, become supporters of justice, be witnesses of Truth before God, even if it operates against your own selves." (Maida 29)

God promises to humanity that he will make the people see signs in the Cosmic Nature as well as in their own souls until they see that what they were told was true.

The Quran repeatedly points to these two sources from which God's wisdom and God's Laws can be studied. The psychical life of man is vitally connected with the Cosmos in which he lives. The study of physical or biological nature will reveal symbols and signs that would benefit and guide the spirit of man. Spiritual life cannot be developed in a vacuum. The environment, the body and the spirit act and react on one another in numerous ways. Many a man has been led from the study of the heavenly bodies and the study of plants to believe in the Creator whose attributes are love and beauty. I recently read a book by a Western writer in which he describes his quest of God, reading whole libraries of philosophy and theology and finding God nowhere. At last, he took to gardening and he says at last his flowers and plants planted in him a soul-satisfying belief in God. He came to the conclusion that no gardener could be an atheist.

There is one important point in the Islamic interpretation of Natural Law. Islam took a definite stand against asceticism. Man is conceived as a social being. He is prohibited to forsake this world in order to gain salvation in another world. No individual can seek God or find Him by isolating himself from his fellow-beings or by despising his body or by ignoring the universe in which he lives. A man is not an individual but a person and he has to develop his personality harmoniously. The Quran says

that there are people who seek only the good of this life and there are others who pray for well-being in the next world. Both of these seekers are mistaken. The Muslim prayer is "O Lord, grant us well-being in this world and in the life hereafter." Here is the literal translation of a verse which sums up the Muslim view. "Among people there are some who say 'O Lord, give us the good things of this world.' Such men forfeit their share of well-being in the Hereafter. There are others who pray 'Grant us the good of this world and also the good life Hereafter and save us from the fire of punishment.' These are the people who get properly rewarded for their deeds." (Albaqarah 202) "As to asceticism, some people have invented it." (Alhadeed 27) "Religion is not meant to impose on people unnatural and unbearable tasks." "Make life naturally convenient and don't create difficulties." "Choose from actions those you are naturally able to bear." (Bokhari and Muslim sayings of the Prophet) "Do not be hard and severe on your souls; many a nation before you destroyed itself by ascetic severities; you find their remnants now in monasteries and cloisters." (Kabir Ausat, 'saying of the Prophet')

The ideal man in Islam, the exemplar of virtue and spirituality, is not a monk or a priest without a family who has adopted religion as a profession and does nothing else. Islam did not permit a professional priesthood. The life of spirituality must be lived as the life of a common man who earns a living by honest labor. The Prophet said the worker is the friend of God and among the workers he appears to have loved the manual worker the best. It is related about him that he saw a man sitting by him with dark specks in the palm of his hand. The Prophet

asked him, "What are these dark lines, have you written something on your palms?" The man replied, "The palms have become dark and horny because I work with my spade on very hard ground to earn a living for my family." The Prophet thereupon kissed the hands of the honest laborer. Whenever it was reported to him that a man was so engrossed day and night in prayers and fasting that he was thereby neglecting to care for his health and was unable to perform his family duties and social requirements, he strongly disapproved of it. He said human duties are many-sided; one must be true to every aspect of life. His companions and followers were laborers, traders, soldiers and family men at the same time. A visitor, probably from the Roman territory, reported about them that they were strange people, they were monks at night and cavalier soldiers by day. This has been the ideal of Muslim life throughout the ages. The body and the soul, the man and his social and physical environment, form one indivisible organic whole. It is unnatural and ultimately self-defeating to develop one aspect of life to the total neglect of other aspects. The Natural Law according to which man has been constituted requires that all life be developed as an organic whole. There is nothing like pure spirituality for man that could develop in a vacuum. No man can be said to have succeeded unless he had lived a harmonious life. According to Islam, real well-being cannot be attained by a man who, instead of rationalizing and harmonizing his natural urges, has tried to destroy or suppress them for the salvation of his soul. Such a man is really not saved.

As already stated earlier in this discourse, Islam considered it insufficient, uncertain and dangerous to limit

itself to the enunciation of broad and general principles of faith or a mere statement of cardinal virtues only. A man commissioned by God must demonstrate to humanity certain definite implications and applications of these broad principles. So with respect to Law, Islam can be studied at three levels. First level is the level of general principles which Islam considers to be natural and universal. They are clarified by the prophets but are verifiable by human reason and human experience. They might form the basic principles of the constitution of an Islamic State:

(1) The Islamic State should aim at creating citizenship of complete freedom for all.

(2) Slavery is an unnatural institution and so is compulsory servitude of all kinds. Slavery, on which entire ancient civilizations were based, could not be abolished by a single fiat. People were exhorted to emancipate their slaves, which was considered as a great meritorious act; expiation for a number of sins is the emancipation of a slave. So long as society could not get rid of the curse of slavery, slaves should be granted elementary human rights. The Prophet said you could keep them on the condition that you feed and clothe them as you feed and clothe yourselves. His great successor Omar started the work of abolition of slavery by steps, first ordaining that no Muslim could be a slave and then extending the order that no Arab could be a slave, Muslim or non-Muslim. His career was cut short by the dagger of an assassin. Given another decade, he would have wiped out slavery in the entire Muslimdom, which had incorporated into itself the whole Persian Empire and some provinces of the Eastern Roman Empire. The rulers after him became

slack in this respect, but the influence of Islam humanized slavery to such an extent that slaves became ministers, jurists and commanders and some of them founded Royal dynasties in India and in Egypt.

(3) The whole trend of Muslim legal principles is towards liberation and liberty.

(4) The women suppressed almost in all societies, contemporaneous with Islam and even centuries afterwards, right down to the present times, were granted equality of civil rights, freedom of contract, freedom to inherit and freedom to hold property in their own names. Marriage was made a contract terminable if certain essential or stipulated conditions are not fulfilled. The general principle of all legislation about women is stated in the Quran in the words that women have rights over against men as men have rights over against women. The Prophet said that the best among you is he who is best in the treatment of women.

(5) Complete religious freedom for all is a command repeated in the Quran. Within a Muslim State every citizen has a right to profess and practice his religion. The State must respect even the personal laws of all communities. But as no religious or non-religious community can plead freedom of conscience or freedom to follow its own way of life in matters that are obviously immoral or unsocial, the Prophet would not accept full citizenship and complete protection of a tribe or a community that insisted on practicing usury.

(6) The only authoritative code of principles of law and precepts for the Muslims is their Holy Book, the Quran, but the entire legislative enactments in the Quran cover only a few pages. The Prophet supplemented them

by some precepts that implemented the general principles enunciated in the Quran. The Prophet was well aware that it was undesirable and impracticable to draw up a comprehensive code that could cover the immense variety of human situations. Even in that primitive society, situations arose for which there was no definite precept or rule. The Prophet was loath to multiply rules. Khuzri, in his history of Islamic Jurisprudence relates that a person asked the Prophet about certain detailed rules and the Prophet's face became red with indignation. He said to the man that "nations before you were destroyed by overquestioning about details. If God leaves you a large field free to exercise your reason and conscience why do you want to limit the liberties of your Muslim nation by questioning me about this or that, because I am afraid that every answer that I give would become authoritative because of my position, and thereby you will become the cause of tyrannizing over humanity." Now let me relate to you something most vital about the question of law, on the authority of no less a man than the Prophet himself. He was appointing Muaz-ibn-i-Jabal as Governor of Yemen. The Prophet asked him on what basis would he decide cases. Muaz replied, "on what I find in the Quran." Then the Prophet asked, "If you don't find a clear command or precept there, what would you do then?" Muaz said, in this case he would follow the practice of the Prophet himself or what he had learnt from him. The Prophet continuing, asked again, "What if the situation is such that you find no clear guidance even there?" Muaz replied that he would consult his own conscience and exercise his own judgment. The Prophet approved of this reply and praised him for it. The Prophet was

sure that Muaz had imbibed the principles of Natural Law and Justice, which must be the final court of appeal in the innumerable situations of life. The variety and multiplicity of life refuses to be codified. The final source of judgment therefore must be the Natural Law of Reason and Justice which, according to the Quran, is inscribed in the hearts of those whose consciences have not been distorted and whose reason has not been blurred by personal bias or greed.

With respect to the application of Natural Law to the changed and changing situations of life, two schools of thought have developed in recent Muslim history in a number of Islamic countries that are trying to face new problems and world situations that had no exact parallels in the time of the advent of Islam about fourteen centuries ago or during the formative and dynamic period of Muslim jurisprudence, which covers about three centuries of early Muslim history. For about a century two views of Islamic Law have been struggling against each other for dominance — one standing for the unchangeability of all law and jurisprudence, because not only the principles of Natural Law as enunciated in the Quran or elucidated by the life, teaching and precepts of the Prophet but the elaborate codes about actual and hypothetical cases drawn up by the great early jurists are supposed to be the only correct and authoritative application of the Islamic principles. According to this conservative and orthodox school all new legislation would be invalid unless it could prove its credentials by reference to clearly stated commands or prohibitions in the Quran, or be somehow related to the words or practices of the Prophet, fortifying itself by the authority of a great Imam, who

interpreted Islamic principles in the early centuries. Not only principles or precepts but even rules of conduct are taken to be virtually fixed for all time. Islamic jurisprudence had a religious basis from the very beginning and it will continue to have a religious basis so long as the Muslims believe Islam to be a completely satisfying way of life for all times. In the formative and dynamic period of Muslim jurisprudence when Islam was embraced by a large portion of humanity, and nations with diverse customs and cultures entered the fold of Islam, divergent rulings on small or great issues were given freely and independently by great jurists who were considered equally orthodox, equally wise and equally pious. But when Muslim society ceased to be dynamic, different interpretations and different applications of the fundamental Islamic principles hardened into juristical sects. These sects were not based on differences of belief, but differences of law. Every sect now is supposed to adhere to its own system of law and to consider that system as final even in details. But from the middle of the last century, constant efforts have been made by the liberals to recast large portions of classical jurisprudence. But the liberals are of different grades. There are liberals who want to liberalize legislation, still seeking support from classical jurisprudence, but they seek authorities from all over the classical period, without binding themselves to any one classical or canonical jurist and without adhering completely to any single system of jurisprudence. Turkey, Iran, Egypt and the subcontinent of India produced great reformers in Islam during the latter half of the 19th century. Said Halim Pasha in Turkey, Mufti Muhammad Abduhu in Egypt, Sayyed Ahmad Khan in India were

the pioneers of Muslim renaissance, and Jamaluddin Afghani worked over a large portion of the Muslim world for political emancipation from Western imperialism, which was gradually engulfing the whole Muslim world. All those reformers worked to make Islam dynamic again. All of them were Muslim rationalists believing firmly that the principles of Islam are natural, rational and universal. Sayyed Ahmad Khan, one of the greatest of these liberals, interpreted the whole of Islam according to Natural Law. By his orthodox adversaries he was called a Naturalist. He identified Islam completely with cosmic natural laws and human natural laws, believing all natural laws to be rational. He wanted to judge and reassess all Muslim institutions according to the principles of Natural Law that he found in the Holy Book. He was at the same time also an admirer of many traits in the Western civilization that had overpowered the Muslim world. He was of the opinion that whatever may be the sins of Western imperialism, it surely owes part of its strength to the study of Nature and many Western institutions had succeeded in the social and political spheres because they had conformed much more to Natural Law than the contemporary decadent Muslim states had done. He thought that Western civilization was not entirely materialistic that the West had developed certain social and political institutions which were to a very great extent in consonance with the spirit of Islam. He believed further that Islam as a system of Natural Law was not the monopoly of the Muslims; whichever nation followed universal principles would succeed. In this conviction he was a strict follower of the Quran which had declared that it was wrong for the Jews and Christians to believe that they

are monopolists of salvation. The Quran said that truth or salvation was not a national or credal monopoly. "Whoever leads the life of surrender to God and does good to his fellow beings, he shall not grieve nor shall he have any fear." Mufti Muhammad Abduhu of Egypt also asserted boldly that many a Western institution is more in accord with the spirit of Islam than what one found in contemporary Muslimdom. These reformers had imbibed the spirit of Islam which they identified with Natural Law as the Quran taught in clear and unambiguous terms.

The progressive Turks, who saw their empire fast disintegrating before their eyes, considered a degenerate autocracy in league with fossilized jurisprudence as the main cause of their social stagnation and political impotence. The Kemalist Turks threw overboard the entire system of classical and canonical jurisprudence and declared Turkey a secular state. The Turks had borrowed this concept from the West and they had done so as a wrathful reaction against the forces of an obscurantist and rigid orthodoxy which had retarded all political and social reform in Turkey and which had little of the spirit of Islam left in it. The Muslims have no organized Church or priesthood, so there could be no question in any Muslim country of the separation of the Church from the State. Islam does not recognize the separation of mundane from spiritual life. The so-called worldly life lived according to the principles of Islam becomes spiritual. When the Turks arrived at the conviction that a code developed by the jurists a millenium ago was not identical with the eternal principles of Islam and was outmoded, they declared themselves free in the matter of legislation. This did not make them deviate from what

they considered to be the essential principles of their religion. Some ignoramuses or propagandists in the West began to utter with great exultation and jubilation that the Turks had deserted Islam and adopted the creed of Western secularism. They were greatly mistaken and have been disillusioned now to find that the Turkish nation is still profoundly religious and in spite of their freedom in legislation their faith in Islam has not been shaken at all. This is due to the fact that the essence and core of Islam is a set of natural and universal principles which are so objective and rational that no advance in scientific rationalism or social reformation can ever shake them. Several years ago, I had the opportunity of interrogating for several hours one of the greatest and noblest of progressive revolutionary Turks, Rauf Pasha, who was Premier of Turkey before Kemal established a dictatorship. I asked him about the secularity of the new Turkish Republic. He said that he himself was responsible for this step and this step had to be taken because the pure principles of Islam had been defiled by reactionary self-seeking Mullahs. He stated that this step was taken to purge political life from degenerate clericalism and to reestablish Islam in its pristine purity. Rauf Pasha, the great liberal and one of the makers of modern Turkey sincerely believes that the basic principles of Islam are rational, progressive and based on universal justice. The Turkish state calling itself secular does not cease to be Islamic because the socialistic democracy that the Turks have attempted to establish contains the very essence of Islamic ideals.

Now let me state briefly the state of affairs in the newly carved state of Pakistan, the largest Muslim state in the

world from the point of view of population. Pakistan was created to make it possible for a population of about 70,000,000 Muslims to follow their own way of life and mould it more and more freely according to the tenets of Islam. The world is wondering why Pakistan has not been able to frame a constitution even after the lapse of about four years. I will tell you where the difficulty lies. In the first place we inherited a system of British administration of a semi-colonial type. With all its faults and drawbacks it is still a system and this entire system cannot be wiped out except by a violent revolution which will create more of chaos and destruction and less of reconstruction. The second difficulty is that neither a purely secular nor a theocratic state is in accordance with the spirit of Islam. In Pakistan we are witnessing a struggle between two schools, the rigid followers of old jurisprudence, the worshippers of the letter of the old law and the other section, sincere believers in the fundamentals of Islam, which are identified with universal rational principles. The new state is faced with stupendous problems of reconstruction. At every step the realities of present-day existence demand a free handling of the problem unhampered by some of the past traditions that have lost their validity or utility. The inertia of the inherited political and judicial system is added to the inertia of sacerdotal traditions. A modern progressive state has to be dynamic. The liberals desire to go back to the fundamental universal principles of Islam, the principles of social justice and human welfare, and reconstruct entire life on a broad basis. Then there are those who want an ideal Islamic system to be promulgated at a single stroke, while others want to approach the idea by gradual and

practicable steps. All these divergent trends have to be reconciled, which, in the opinion of some, is not only a difficult but an insoluble problem. Most of the intellectuals belong to the liberal class and they want Muslim society or state to be reconstructed on the broad principles of Natural Law as enunciated by the Quran. If the Muslim liberals of Pakistan can overcome the resistances mentioned above, the constitution and laws of Pakistan will embody the broad universal principles to which enlightened humanity in some other countries is also trying to give a tangible shape. Most Muslims believe that Islam has a mission and that mission consists in overcoming racial and national barriers, demolishing class distinctions, elimination of exploitation and advancing towards universal liberty, universal equality, universal justice. These are the constituents of Natural Law and the values that entire humanity is destined to realize. In God these universal, unchangeable principles originate and towards God they lead mankind. In the words of the Quran: "Inna Lillahi Wa Inna Illahi Rajeun." "To Him we belong and to Him we return."

