

Harmonization of Laws in Pakistan

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Abstract:

From the establishment of Pakistan to the present day, we have faced uncertain situations many times. The Constitutions of 1956, 1962 and 1973 promote enactment of Islamic principles. However, the socio-economic hurdles have proved to be a stumbling block in the way of general awareness in terms of realizing the value of such laws. Poverty, lack of resources and certain geo-political conditions have retarded the implementation of these laws. It is not primarily the issue of law - rather it is the attitude of the citizens towards the law that matters.

In spite of the passage of 56 years, Pakistan finds lack of will and capacity to create true harmony in its laws. There are reasons for this slow progress. The Muslims of British India, in particular, and the whole population of the sub-continent in general have lived for long under the oppressive reign of the colonial powers. They were treated as slaves in the past time. This left the future generations of these people in turmoil. The people did obtain freedom from the British 56 years ago, but the adverse impact of the oppression faced by them earlier remains unresolved. In one shape or another, the rule of the foreigners has remained in force, which has resulted in

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al-Fatiha and other small surahs of the Qur'an for his fellow-countrymen who accepted Islam after the conquest of Iran by Sa'ad b. Abi Waqqas during the caliphate of Omar ibn al-Khattab.

Shah Waliullah's two sons, Shah Rafiuddin (1750-1818) and Shah Abdul Qadir (1754-1814) were the pioneers of Qur'an translation into Urdu.

Conclusion:

In conclusion, it will be observed that these two false and fallacious concepts have nothing to do with Islam and have never held good among the vast number of Muslims in any part of the world.

Notes:

1. A.J. Arberry, *The Holy Koran: selections*, London, 1953, p.27
2. Muhammad Marmaduke Pickthall, *The Meaning of the Glorious Koran*, London, 1930, p.1.

original which militated against the overall belief-structure of Islam. The dozens of great Arabic commentaries (Tabari, Razi and Zamakhshari – to name a few) of the Qur'an are proof that exegesis and elucidation of the Qur'an continued even in the language in which it was revealed. There are vast numbers of Qur'anic manuscripts which have the original text followed by an interlinear translation in such languages as Persian, Urdu or old Turkish.

It must be admitted that Qur'an translation was, in fact, discouraged at different times and for different reasons. In Iran, this was done after the proclamation of Shi'ism as the official religion by the Safavids as a result of the then-prominent *Akhbari* ('literalist') school of thought that insisted on studying the Qur'an in Arabic.

In India, this belief spread during the decline of the Mughal Empire along with other aspects of decadence largely due to Hindu influence. The Brahmin caste had restricted sacred learning to themselves to protect their monopoly in such matters. This concept spread to the Muslims who were now on the decline in all areas whereas one of the major revolutionary aspects of Islam is that it has no priesthood, no Church, and no intermediary between Man and his Creator.

This ignorance was countered by Shah Waliullah (1703-62), the greatest Islamic scholar produced by the sub-continent. He wrote a Persian translation and commentary on the Qur'an called '*Fath Al-Rahman*' which was intended to bring the public (who used Persian and which was the Court language of the Mughals) closer to the message of the Qur'an. In fact, between Shah Waliullah's translation and that attributed to Sheikh Sa'adi (d. 1292), no other Persian translations are recorded in the '*World Bibliography of Qur'an Translations*' (Istanbul, 1992). However, it is clear that the earliest Persian convert to Islam, Salman al-Farisi, used to translate the Surah

It can be supposed that the above is true of translation of any piece of literature from one language to another. But this objection can easily be answered. Works produced by men are easily 'transposed' into another language as in both cases the language used is that which is of human origin and limited by human sense-perception. For example, the translation of Homer's *Iliad* (from ancient Greek into English) must have reached one hundred by now and it appears that no new meaning, interpretation or hint hitherto undiscovered can be exhumed from the original Greek text. But as regards the Qur'an, Divine in origin, the process of discovery, of plumbing new depths, or learning new implications appears to be unlimited even after 1400 years of profuse and profound Qur'an exegesis in dozens of languages.

Going back to the first point, we now understand that the Qur'an can be translated though the translation may only give a literal meaning and not convey other connotations or beauties of style and expression. In fact, the Qur'an has been continuously been translated ever since it was revealed. There were Persians, Greeks, Jews, and Ethiopians in Arabia and soon the Islamic empire would encompass an enormous variety of linguistic groups. The Qur'an was made intelligible to these people in their own language through translation. The large-scale conversions to Islam were due to the mainly oral translations used by the first preachers. Even today, the imams of mosques quote the Qur'an in the original and then translate its meaning for the comprehension of the congregation which may not know Arabic. This should clear up the first fallacy.

Translating the Qur'an was never objected to for the purpose of understanding or propagation. The fact that no translation could justly reproduce the comprehensive connotations of the original was never held to be a reason for the unilateral ban on such activity. What was objected to was heretical interpretation or unorthodox ideas read into the

possible – indeed desirable – but that no translation can replace the original or claim finality in matters of interpretation. In the Qur'an, it is stated at many places e.g. 12:2 that the Qur'an has been revealed in Arabic. While this is an encouragement for all Muslims to learn some Arabic at least, it does not mean that there is a prohibition on the attainment of understanding of the Qur'an through other languages.

The famous British Muslim and translator of the Qur'an, Muhammad Marmaduke Pickthall, writes in the preface to his own translation:

The Koran cannot be translated. That is the belief of the old-fashioned sheykhs and the view of the present translator.²

However, Pickthall goes on to give an explanation of what he means and how he evaluates his own translation:

The Book is here rendered almost literally, and every effort has been made to choose befitting language. But the result is not the glorious Koran, that inimitable symphony, the very sounds of which move men to tears and ecstasy.

It would appear that Pickthall does not feel that even the best and most correct rendering in English can convey more than a faint glimmer of the glitter of the original. The meaning, the words, the context can be shifted from Arabic to English – the allusions, the figures of speech, shades of meaning, cadence, rhythm, verbal magic, lexical and phonological symmetries cannot. Certainly in this sense no one can dispute Pickthall's contention.

ASPECTS OF QUR'AN TRANSLATION?

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It is not my purpose, in this brief essay, to deal with the wider aspects of Qur'an translation but to confine myself to these two points:

- 1) The Qur'an is untranslatable.
- 2) Translating the Qur'an is objectionable and should not be done.

The contradiction between the two points is at once apparent. If the Qur'an is untranslatable, how can one translate it? If translating the Qur'an is objectionable (on the grounds that one must understand it only in the original Arabic), then how will it be possible for millions of Muslims to devote a large part of their lives to language acquisition and lose out on direct comprehension through translation? So how did these conflicting viewpoints emerge and what exactly do they mean?

The view that the Qur'an is untranslatable has been given wide currency especially by Orientalists purporting to express Muslim sentiments. For example, A.J. Arberry writes:

It is ancient Muslim doctrine that the Koran is untranslatable¹

Arberry bases this view on the Muslim belief that the Qur'an is a 'miracle': But a literary miracle like the Qur'an also poses a challenge to translators rather than pre-empts their attempts at translation. Hence the assumption that the Divine origin of the Qur'an imposes a ban on its translation is thus erroneous. The correct Islamic position is that the translation of the Qur'an is

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7. ایضاً، ص ۱۵۰

8. Waheed-uz-Zaman, *Iranian Revolution* (Islamabad: Institute of Policy Studies), 1985, p.70.

9. امام خمینی، حکومت اسلامیہ (تہران) انتشارات تبلیغات اسلامی، ت، ن، ص ۱۱۷

10. ایضاً، ص ۱۱۸

11. Op.cit. Sardar Najus Saqib Khan, *The Iranian Revolution and its lesson for Pakistan*, p.8 .

socializes premise that revolution can be brought about by means of economic factors, and manifested a vivacious and result accruing dems traction of the political force of Islam and which also led to altering of opinion of the east and the west about "Islam as a Religion".

Through the leadership of Imam Khomeini, a unique experiment of history emerged before the world showing now the unarmed masses through their unity determination, faith and passionate martyrdom could defeat the mightiest power.

The experiment has given a new dimension to the methodology of the Islamic movements. Today Islamic movement in Iran not only stands for leadership and guidance. But also a beacon of Islamic ideology for the Islamic world.

References:

1. Dr. Israr Ahmed, *Misaq* (Lahore) March 1987.
2. Sardar Najus Saqib Khan, *The Iranian Revolution and its Lessons for Pakistan* (Islamabad: ICCTS International Consortium of Consultant and Technical Service), 1996. p.2.
3. Ibid, p. 4
4. رجب علی مزارعی بحیات امام خمینی، (ایران) اداره احیاء تراث اسلامی، ستمبر ۱۹۸۸ء، ص ۱۱
5. سید مرضی حسین فاضل، آیت اللہ خمینی مصر سے مصر تک (لاہور) امامیہ پبلیکیشنز، ۲۰ جمادی الثانی ۱۳۹۹ھ، ص ۱۴۰
6. ایضاً، ص ۳۸

Islam does not consist of few individual issues like those of leadership _ and neither it is dolicient nor out-of-date system of life. It is a perfect code of life. The Al-mighty has made laws for human need from his birth to death, which can bring, peace and solace, justice and equality ensuring his welfare and development. As such while the rituals of worship have been set the social principles and features of state management have also been devised.

Imam Khomeini aimed to constitute such an Islamic government to be headed by a Fiqih-wa-Adil (Islamic Jurist and Judge) who would emancipate the masses from the oppressive powers and their servants and obliterate all manifestations of oppression. People should find life peaceful and comfortable under the banner of such a government and also receive blessing of both worlds (temporal and eternal). They should be free of worries to this world and earn reward and in the next world. He not only presented a detailed sketch of Islamic government but also kindled re-awakening, determination and enthusiasm in people to enable to build foundation of a typical modern Islamic state.

Efforts to bring about Islamic revolution in various Islamic countries have been in a long continuous process but Iran enjoys the distinction that the unarmed masses only through unity and determination faith and passion for martyrdom defeated all resisting forces and finally reached the throne of power under the leadership of Imam Khomeini and also disproved the claim of

The Iranian revolution was brought about to uproot the tyranny, the rule of sovereign other than Al-mighty, the un-Islamic way of government and the economic instability. When it was accomplished, the world got stunned to see its demonstration and results, leaving every one in a profound surprise as to what really happened.

CONCLUSION:

The Iranian revolution is such a vast, complicated and extremely rare event whose precedent is not found. To examine and analyze such events all statutes, principles and yardstick have worn out.

The leader of Iranian revolution Imam Khomeini in the present age has set a new example of leadership in battling against the enemies of Islam and in the multi-dimensional war simultaneously against the internal and external forces. His personality combines Islamic learning and perception, untiring efforts for the supremacy of Islam, sacrifice and selflessness, firmness and determination, simplicity and spirituality, standing by his view with the mountain _like strength, dealing with every tricks at the right moment with ability to violate it, grip over political affairs, fearlessness except the Al-mighty, strong and indomitable nerves; because of such attributes he become prominent as most successful political leader of his age. He started the movement in 1963 and with extremely untiring efforts of 16 years led it successfully to the destination. Like a reformer, he thought over the causes off adversities, measured their size and then explored way and means to eliminate these.

surprisingly large capacity they tolerate material difficulties but when their self-respect and identity are threatened by their own country men, it results in violence. Shah of Iran had no cognizance how this economic gulf would turn into explosive social consequences. Two different styles of living got into fashion in the same community: on one side the rich were enjoying all lavish comforts of life having totally adopted Western cultural pattern residing in Tehran and suburbs. On the other side the poor masses of the rural areas deprived of the basic needs of life — this naturally caused frustration in the lower strata because of economic injustice and inequality while the higher strata felt intoxicated by their wealth and power. In the contesting race all national wealth was drawn towards the higher strata who enjoyed all the lavish comforts while the lower stratas were victims of poverty and deprivation. Since the Iranian revolution aimed at toppling down the high-ups and lifting-up the weak so the workers, the farmers and commons got enchanted it. A survey of pro-revolution day shows the percentage of 3 strata as under :-

The weak	80%
The semi-Weak	10%
The high-ups	10%

This division has turned this unbalanced social and economic condition further grim.¹¹

Shah's unlimited lust for power, corruption greed for wealth, inclination to luxury and comforts and obstinacy greatly accelerated the process. on the other hand, the destitute class felt alienated and the flood of rage and anxiety turned into a revolution, which was charged with the clarion call of Islam. Imam Khomeini called it a revolution of the weak, down-trodden and backward brought about to crush the high-ups.

Kingdom, dictatorship, tyranny and monarchy and all the like-systems are opposed to Islam. A government empowered to enforce its own laws ignoring the Islamic laws, can not be termed as "Islamic". Islam has an ideal political system singularly marked by its faith of sovereignty reposed purely in the Al-mighty _ unlike all other political systems and the Muslims rule Islamic caliphate as viceroy under the Supreme Law of Holy Book and tradition of the Prophet (P.B.U.H) None of the Kingdom loving family has an upper hand. The system is run through advisory councils. Justice is an essential character of Islamic rule. Islamic state's real function is to serve people rather than burdening them for power and inflicting servility on them. Absolute dictators have always been ruthless and crude _ Islamic Advisory system of Government does not allow any cruel ruler. Owner of the entire land is the Creator _ King has no right to enforce his will on the land _ Muslim society after the righteous caliphate, remained under the grip of monarchy _ monarchy survived as a system of Government. Many Muslim countries after colonial rule introduced western democracy, others continued to remain under monarchy.

Iran is the first country of the world which under the leadership of Imam Khomeini performed as singularly different experiment marked by a successful revolution against monarchy and dictatorial rule giving it a crushing defeat.

The Iranian Revolution is also caused due to economic un-stability. It is important to note that if any state build its economic system haphazardly borrowing few components of the West and ignoring others then it will create problems, may give rise to social unrest, which gradually strengthen and emerges in an open revolt. Doubtlessly, the Iranian masses felt frustrated by the wealth of a handful of individuals but it was the ostentations and the means of acquiring the wealth which forced them to support the revolution. People have a