

# IQBAL'S PRAGMATISM AND HIS POLITICAL PHILOSOPHY

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Poetry is the first expression of humanity. It is an art of "imitation" and its chief function is "to teach and delight". Imitation does not mean mere copying or a reproduction of facts. It means a representing or transmitting of the real and actual, and sometimes creating something entirely new. It is an art which rests upon the pleasure of human soul. Dr. Allama Muhammad Iqbal, the renowned poet of the East, has all the constituents and ingredients of the standard art which makes his poetry more attractive and beautiful. But he observes the things from a different angle. he repudiates "art for Arts's sake" theory as is evident from the import of the following verse:

"What I have to do with melody? the composing of poetry is only a pretence. I want to drag the reinless dromedary back into the line"<sup>1</sup>

Iqbal always speaks for the rights of the Muslims of the sub-continent as well as articulates what is acknowledged universally.

Iqbal's thoughts and the leadership of the Quaid-e-Azam Muhammad Ali Jinnah gave a concrete shape to the destiny of Muslims and provided the Muslims of India with a state of its own where they can grow and practice

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29. Al-Quran, Supra n.26 at 22:39
30. Ibid.....22:40
31. Ibid.....61:4
32. Ibid.....2:233
33. Sadaruddin Islahi, 'Islam at a Glance'  
(Islamic Publications, Lahore)pp.201-203
34. S. Abul Ala Maududi, Supra n.28 at  
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35. Al-Quran, Supra n.26 at 8:36
36. Ibid.....9:1-2
37. Ibid.....9:67
38. Ibid.....5:33-34.
39. Ibid.....4:75
40. Ibid.....2:205
41. Ibid.....16:91-92
42. Ibid.....9:4
43. Ibid.....8:61
44. Ibid.....47:4
45. Ameer Ali, 'The spirt of Islam' (Islamic  
Book Service, Lahore, edition 1985) p.96

15. M.Keen, 'The Laws of war in the Late Middle Ages' pp.239--40 (1965)
16. Q. Wright, 'A study of War' p.322 (University of Chicago Press)
17. Ibid.....p.322
18. Ibid.....p.334
19. Hugo Grotius, supra n. 6 at pp.365--67
20. G. Baker, 'I.Halleck's International Law' pp.13--14 (1908)
21. Its author Henri Dunant, awarded Nobel Prize in 1901, recounted seeing 38,000 men fell dead or wounded in the space of only 15 hours at the battle of Solferino
22. The Geneva Protocol II, 1977 (Article 4, Part II)
23. Ibid..... (Article 5)
24. Ibid.....(Article 13, Part IV)
25. "In the language of the Shari'ah this word (Jihad) is used particularly for the war that is waged solely in the name of Allah and against those who perpetrate oppression as enemies of Islam". Sayyid Abul A'la Maududi, 'Towards Understanding Islam' p.141, trans. Khurshid Ahmad, Idara Tarjaman-ul-Quran Lahore, edition 22)
26. Al-Quran, (English trans. Marmaduke Pickthall, Taj company Ltd Pakistan) 5:32
27. Ibid.....25:68
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5. H. Wheaton, 'Law of Nations' p.14 (1845)
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were formulated genuinely for the first time and evolved to present day laws. It is applicable to all nations of the world and to be observed as an obligatory duty during war.

Islamic laws of war are universal in application and obligatory in implementation. Orders of Allah and the sayings of prophet Muhammad (S.A.W) constitute both 'justice of war' and 'justice in war'. Reviewing Islamic law of war vis-a-vis the text of present International law, a unique resemblance glares. Islamic law of war covers all aspects of war and it is complete, universal, modern and obligatory. It is as much necessary in war as international law of this century for warring factions. More rationally, modern international law seems mere elaboration of Islamic law of war. Islam declares it 'crime' to violate its war laws, and a war without these laws as calamity. Therefore Islamic law of war is the foundation of modern international law. Fourteen hundred years ago, Islam vouchsafed "the first" international law to humanity.

population of Mecca. Only four criminals, 'whom justice condemned', made up Muhammad's (S.A.W) proscription list when he entered as a conqueror the city of his bitterest enemies. The army followed his example, and entered gently and peaceably; no house was robbed, no women was insulted. Most truly has it been said that through all the annals of conquest, there has been no triumphant entry like unto this one."<sup>45</sup>

Addressing the troops, despatched against the Byzantines, Prophet Muhammad (S.A.W) said:

"In avenging the injuries inflicted upon us, do not harm the inmates of domestic seclusion; spare the weakness of the female sex, do not injure the infant at the breast or those who are killed in bed. Abstain from demolishing the dwellings of the unresisting inhabitants; don't destroy the means of their subsistence, nor their fruit trees and also don't touch palm trees."

### Conclusion:

International law concerns itself largely with two aspects of war, its legality (jus ad bellum) and its regulation (jus in bello). The laws of war are those portions of international law that deal with the inception of war, the conduct of war and the termination of war. All religions proclaim the origin of international law thereof. As a matter of fact some humanitarian principles existed but least practised. For instance, Hindus laws of war were will-bounded of king and not valid for all human beings. Even the low caste 'Sudras' (untouchable) were mercilessly killed for the concept of being created from the foot of 'Brahma'. While ancient European war laws were restricted to Christians. Colosseum of Rome killed thousands of human beings for adventure. Similarly laws of war were not extended to all human race by its formulators in human history. In the 16th century modern war laws

Lo! Allah loveth those who keep their duty (unto Him)."<sup>42</sup>

(9) Prophet Muhammad (S.A.W.) always addressed the soldiers before despatching them to war. He (S.A.W.) directed that present three things before the enemy, firstly Islam, secondly amnesty by tax and thirdly war. If they accept Islam or be ready to pay tax then don't war. If they refuse, fight with them calling help from Allah.

(10) Islam recommends the spirit of peace amidst war, if the opponent so desire. The Quran refers to this point:

"And if they incline towards peace, then you also incline towards it, and trust in Allah."<sup>43</sup>

(11) Islam advocates an absolutely fair treatment for the prisoners of war (POWs) and it has been laid down quite distinctly both in the Al-Quran and Hadith (Sayings of prophet Muhammad S.A.W.). Quran explains:

"Now when ye meet in battle those who disbelieve, then it is smiting of the necks until, when ye have routed them, then making fast of bounds; and afterward either grace or ransom till the war lay down its bur-dens."<sup>44</sup>

The Prophet (S.A.W.) carried his injunction into practice in his life time. In the battle of Hunain 6,000 prisoners were captivated and they were all released as an act of grace.

The fall of Mecca (A.D. 630) is an event of paramount importance in the Islamic history, when Muslims entered Mecca as conquerors. Prior to this conquest, Prophet Muhammad (S.A.W.) chalked out the laws to soldiers, to be observed in war. These Islamic laws of war are essential part of Islamic war--Jihad. "But in the hour of triumph every evil suffered was forgotten, every injury inflicted was forgiven and a general amnesty was extended to the

(5) Looting the enemy's belongings in war was disliked by prophet Muhammad (S.A.W.) and called it unlawful for Muslims.

(6) Islam has forbidden desecrating the dead bodies in war. Abdullah Bin Jazid (R.A.) narrates:

"Prophet Muhammad (S.A.W) forbade us from desecrating the dead body and looting."

(7) The killing of envoy or messenger of the enemy is interdicted by Islam. Prophet Muhammad (S.A.W.) forbade this practice. Whenever a person reaches the boarder of an Islamic State and identifies himself as messenger to Islamic state, his life is fully safeguarded.

(8) Breaching a treaty is termed as a 'worst' sin in Islam. Saying of prophet Muhammad (S.A.W.) as narrated by Abdullah Bin Umru (R.A.):

"Whosoever will discard a treaty, will never enter the paradise."

Islamic law of war emphatically calls for integrity in treaties during war and peace. Allah says:

"Fulfil the covenant of Allah when ye have covenanted, and break not your oaths after the asseveration of them, and after ye have made Allah surety over you. Lo! Allah knoweth what ye do. And be not like unto her who unravelleth the thread, after she hath made it strong to thin filaments, making your oaths a deceit between you because of a nation being more numerous than (another) nation."<sup>41</sup>

At another place Allah stresses:

"Excepting those of the idolaters with whom ye (Muslims) have a treaty, and who have since abated nothing of your right nor have supported anyone against you. (As for these), fulfil their treaty to them till their term.

Latter group consists of those people who are not usually engaged in war including women, children, oldmen and women, sick, injured, disable, visitors, recluse, saints and suchlike. Saying of prophet Muhammad (S.A.W.):

"Don't kill oldmen, children and women. Don't steal from the left over of enemy. Whatever you find in war collect at a place. Do good and piety as Allah likes good doers."

(II) Like the rights of non-combatants, combatants are given the rights by Islam during war:

(1) Before the advent of Islam it was Arabs strategy to attack the enemy in sleep. Prophet Muhammad (S.A.W.) abandoned it and chalked out a law of attacking the enemy in daylight. Anas Bin Malik (R.A.) narrates:

"Whenever Muhammad (S.A.W) reached to attack an enemy at night, he (S.A.W.) awaited till the time of morning."

(2) Muhammad (S.A.W) strictly restricted burning the enemy in fire. Saying of prophet Muhammad (S.A.W.):

"Burning (enemy) in Fire is not lawful for anyone but the Creator of fire."

(3) Muhammad (S.A.W.) forbade killing the enemy by torture and tying up.

(4) During the advance of troops, destroying fields, crops, killing and setting the villages on fire, is absolutely forbidden in Islam and it is termed as 'violence'. Allah says:

"And when he turneth away (from thee) his effort in the land is to make mischief therein and to destroy the crops and the cattle; and Allah loveth not mischief."<sup>40</sup>

"The only reward of those who make war upon Allah and His messenger and strive after corruption in the land will be that they will be killed or crucified, or have their hands, and feet on alternate sides cut off, or will be expelled out of the land. Such will be their degradation in the world, and in the Hereafter theirs will be an awful doom; Save those who repent before ye overpower them. For know that Allah is Forgiving, Merciful."  
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(VI) When a party of Muslims is facing tyranny of enemies and is unable to defend themselves then those Muslims who are free and capable of defending the Muslims, are ordered to assist through war. Allah says:

"How should ye not fight for the cause of Allah and of the feeble among men and of the women and the children who are crying: Our Lord! Bring us forth from out this town of which the people are oppressors! Oh, give us from thy presence some protecting friend! Oh, give us from thy presence some defender!"  
39

Above are the major situations when a defensive war becomes, an obligation for Muslims.

#### (b) Justice in War (jus in bello)

Armed 'Jihad' is not to kill the enemy or devastate him, but to combat his 'evil'. Use of force during war is restricted to the requirements of combating the evil and fighting against those engaged in war. Islam has civilised the institution of war and abandoned the conventional brutality and savagery. Chiefly, the Islamic set of rules, regulating war is essential for soldiers than being the discretionary treatment.

(I) Islam has divided belligerents into two groups 'combatants' and 'non-combatants'. Former group comprises those people who fight or capable of fighting includes youngmen.

of Muslim rule, a defensive war is an obligation.

(II) Opposition to preaching of Islam and spread of Islam by any state is to be faced with a war. Al-Quran refers:

"Lo! those who disbelieve spend their wealth in order that they may debar (men) from the way of Allah. They will spend it, then it will become an anguish for them, then they will be conquered. And those who disbelieve will be gathered unto hell."<sup>35</sup>

(III) When a treaty with Muslims is discarded and a rebellion is raised against a Muslim state. Such people should be taken over by war who breach again and again their varified treaties. Al-Quran narrates:

"Freedom from obligation (is proclaimed) from Allah and His messenger toward those of the idolators with whom ye mad a treaty: Travel freely in the land four months, and know that ye cannot escape Allah and that Allah will confound the disbelievers (in His guidance)."<sup>36</sup>

(IV) To administer a group of the hypocrites, who apparently are Muslims but covertly working against Islam. At a critical time they support enemy and cause riots in a Muslim state. Quran refers:

"The hypocrites, both men and women proceed one from another. They enjoin the wrong and they forbid the right and they withhold their hands (from spending for the cause of Allah). They forget Allah, so He hath forgotten them. Lo! the hypocrites, they are the transgressors."<sup>37</sup>

(V) A party of enemies either from inside or outside the Muslims, creating persecution, robberies, massacre of Muslims, or uprooting an Islamic state they are waging war against Allah and His messenger (S.A.W.). Al-Quran describes:

absence of such a system any act of war is forbidden in Islam. An act of war, even of a defensive nature, can only be taken in a free atmosphere under the leadership of an authorised leader. That is why the Holy Prophet Muhammad (S.A.W.) was not permitted to raise arms in self-defence during the period of his stay in Mecca when he was not free to carry out his missionary duties, although aggression of the opponent Arabs had reached its climax.

(II) Sufficient force to combat with the enemy should be available. Therefore for not possessing certain force enough to fight, the Jihad will not be obligation. Allah says:

"No one should be charged beyond his Capacity."<sup>32</sup>

(III) 'Jihad' should be exclusively for the sake of Allah, and the singular aim of those who participate in 'jihad' should be eradication of evil and advancement of goodness and justice. All this struggle should be done with one and the only objective of winning the pleasure of Allah. When prophet Muhammad (S.A.W.) was asked that different people fight for different motives; one fights for the booty, another fights for fame and the third for the honour of his country, nation or tribe or suchlike, out of them whose fighting is for the sake of Allah? He (S.A.W) replied:

"He who fights for the glorification of Allah's name, his fighting alone is for the sake of Allah."<sup>33</sup>

A defensive war (Jihad) is ordered by Allah in following situations:<sup>34</sup>

(I) Whenever Muslims are attacked and brutalised, a defensive war is lawful. If rights and property of Muslims are snatched, they are tortured for their beliefs and Muslim land is engulfed as well as deprived

'War' is permitted in Islam when existence of humanity, their religion and beliefs are endangered. Therefore Islamic war is aimed at justice and peace. Islam makes it essential to culminate evil from the earth. Allah says:

"Those who have been driven from their homes unjustly only because they said: Our Lord is Allah -- For had it not been for Allah's repelling some men by means of others, cloisters and churches and oratories and mosques, wherein the name of Allah is oft mentioned, would assuredly have been pulled down. Verily Allah helpeth one who helpeth Him. Lo! Allah is strong, Almighty---."<sup>30</sup>

### Islamic Laws of War:

#### (a) Justice of War (jus ad bellum)

A war based on prejudice, injustice, expansion, deteriorating peace and backing of riots is a cataclysm, Islam makes it an essential duty of its believers to combat it. Allah has greatly admired such justified war. The war bringing justice and peace is declared by Islam as war for Allah and of Right path.

"Lo! Allah loveth those who battle for His cause in ranks, as if they were a solid structure."<sup>31</sup>

'Jihad' (the Islamic War) is permissible under certain specific conditions. It will not be valid unless the conditions laid down for it are met. A war waged regardless of the prerequisites of 'Jihad' will be rewardless and a cause for the displeasure of Allah instead. Then it could not be 'Jihad' at all. The pre-conditions of the armed 'Jihad' are as follow:

(I) Those who go for 'Jihad' should be free and independent Muslims and must have a collective social system of their own and must be led by a Caliph 'or Chief. In the

".....whosoever killeth a human being for other than manslaughter or corruption in the earth, it shall be as if he had killed all mankind, and whoso saveth the life of one, it shall be a if he had saved the life of all mankind."<sup>26</sup> At another place, differentiating right people from deviated, Allah, narrates their traits:

"And those who cry not unto any other god along with Allah, nor take the life which Allah hath forbidden save in (course of) justice, nor commit adultery -- and whoso doth, this shall pay the penalty."<sup>27</sup> Islamic justice requires equal redemption for a violation; murder for a murder and such-like. Here Islam propounds a proportionate path. It neither dismisses the concept of war nor calls for massacre of human souls with other beliefs. Islamic war (Jihad) is permissible when a state of affair is qualified. In above verses from Al-Quran to kill for justice is ordered by Allah alongside forbidding the killing a 'sacred life'. To maintain peace and justice in certain conditions war is permitted. The 'Jihad' is then inevitable and could not be avoided. Islam negates the subjective decisions and emphasises greater interests of humanity. 'Jihad' is a justified war to emancipate the captives of evil, and culmination of terrorism.<sup>28</sup>

Therefore prosecution is asserted and equally unjustified killing forbidden. To harm, injure or killing an innocent is a great sin and Allah could forgive the 'Rights of Allah' but never the 'Rights of people', if ever breached. True path is suggested betwixt these two lines where self-interest is an exclusion. It applies over individual to nations. Significance of 'Jihad' could be evaluated from its place in Islam. "Sanction is given unto those who fight because they have been wronged; and Allah is indeed Able to give them victory."<sup>29</sup>

they exist today. The Geneva Protocol-II, 1977, gave away the primary infrastructure for present laws of war. It promised peace for civilian population; "All persons who don't take a direct part in war will be treated humanly and not killed."<sup>22</sup>

"Injured to be treated, respected and protected."<sup>23</sup> There is mercy for children during war and protection of civilian population. "Civilians shall be protected unless they take a direct part in hostilities".<sup>24</sup> In 1978, Red Cross declared fundamental rules during an armed conflict, which are titled as "1978 Red Cross Fundamental Rules of International Humanitarian Law." It has following features:

1. Persons who don't take part directly in war be respected.
2. To kill or injure an enemy who surrenders is prohibited.
3. Captured Combatants and civilians are entitled respect for their lives, dignity, personal rights and conventions.
4. Wounded and sick shall be provided treatment.
5. Parties to a conflict will not use weapons causing unnecessary losses.
6. Parties to a conflict shall at all times distinguish between the civilian population and combatants.

### Islamic Concept of War (Jihad):<sup>25</sup>

Islam has awarded sanctity to human life. Dignity of humanity as creation of Allah, is fully safeguarded in the teachings of Last Prophet Muhammad (S.A.W.). Islam has a novel notion of respect for human blood than contemporary laws. It has instilled respect not springing from fear but dignity of human life.