

# BOOK REVIEWS

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## 1. *IQBAL'S RECONSTRUCTION OF IJTIHAD*

BY: MUHAMMAD KHALID MASUD

REVIEWED BY: DR. MOHD. ALTAF HUSSAIN AHANGAR

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## 2. *CALL OF THE MARCHING BELL*

(Bāng-i-Darā)

*By: M. A. K. Khalil*

*Reviewed by: Muhammad Sarwar Rija*

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*Iqbal's Reconstruction of Ijtihad*, Muhammad Kahlid Masud, Iqbal Academy Pakistan and Islamic Research Institute, Islamabad Pakistan, 1995, PP.236.

Growing out of a research project approved by Islamic Research Institute, Pakistan with consequential publication by Iqbal Academy Pakistan, this book by Muhammad Khalid Masud has tried to highlight the vision and mission of Dr. Iqbal with regard to the *Reconstruction of Ijtihad*. Its text contains eight chapters of uneven length spread over 197 pages. An introduction, a conclusion, bibliography and index constitute the remaining portion of the book.

Masud's claim that this book is the product of extensive study and research on Iqbal's approach to *Ijtihad* has prompted us to assess and analyse the contribution of the learned author chapter-wise.

Chapter one is an attempt to inform the readers about the definition of *Ijtihad* and *Mujtabid* and its classification. Focus has been upon the complexity through which *Ijtihad* doctrine had to pass in the Indian sub-continent, i.e. how this term got linked with *Qiyas*, rationalism, *Taqlid* and so on. Apprising us with the fact that modern *Mujtabid* cannot function on Fiqh knowledge alone, we are rightly told that presently power of law-making and law-enforcing vests in a modern state and codification is the only recognisable instrument through which we can remove lacuna in Islamic law. According

to Masud, “*Ijtihad*” constitutes an effort to opt for one of two or more possible solutions in a given situation and to provide legal justification for that solution”. But the learned author fails to inform us about the material from which legal justification is to be sought. In other words, is it the justification from contemporary legal knowledge or from Quran and *Hadith* alone? Throughout the whole book, Masud has avoided answer to this query. How can one reconstruct Iqbal’s doctrine of *Ijtihad* unless this basic question is addressed? Iqbal has stressed upon the *reinterpretation of foundational legal principles deduced from Quran* and deferment of implementation of Quranic laws under certain specified circumstances. *Taubid*, i.e., equality, solidarity and freedom, constitutes for Iqbal one of the fundamental legal principles. Likewise Iqbal considers undiscoverable the application universality of traditions of legal character and insists against indiscoverable the application universality of tradition of legal character and insists against indiscriminate use of *Hadith* as a source of law. Rather he favours non-consideration of *Hadith* for legislation purpose. In such a situation if Masud is advocating for providence of legal justification for an approved solution, then in view of Iqbal’s thinking what are the parameters within which the justification is to be sought? Masud has surely failed to address this problem.

Chapter 2 factually professes to deal with the development of *Ijtihad* in subcontinent but practically it highlights the legal philosophy of Shah Wali-ullah. Perhaps the object is to lend credibility to Iqbal’s view on *Hadith* with which Masud has scarcely dealt with in this book. The learned author is absolutely right in contending that “Shah Wali-ullah’s views on *Ijtihad*, *Taqlid* and development of Islamic law contributed a great deal to the formation of Iqbal’s views on *Ijtihad*”. In this chapter, the critical analysis of views of Shah and Iqbal would have been within the scope of the book, but for some inexplicable reasons it has not been done. Under the title “Semantic Development of the Concept of *Ijtihad*”, chapter 3 is an attempt to familiarize the readers with views of personalities like Shah Ismail Shahid, Nadhir Hussain Dahlawi, Sir Syed Ahmad Khan, Jamal al-din Afghani, Renan, Halim Pasha, Abul Kalam Azad, Zia Gokalp and Aghnides relating to *Ijtihad*, *Taqlid*, *Islam* etc. Convincingly one is acquainted with the manner in which *Ijtihad* was employed by various movements in view of social, economic and political changes in the subcontinent. The focal point of this chapter is the observation of Aghnides that “*Ijtihad* was in fact a mechanical

principle that led Islamic society to fossilization and prevented it from progress”. It is indeed this statement, we are rightly informed, which proved motivational force for Iqbal’s writing of his lecture “The Principle of Movement in the Structure of Islam”.

Chapter 4 under the title “Iqbal’s lecture on Ijtihad” tries to solve the riddle as to whether the lecture was written in 1920 or it was still under preparation in 1925. Doubts are also cast as to whether the present article is the original article because despite all efforts original manuscript could not be found. Besides, this chapter enlists the names of jurists whose works were consulted by Iqbal during the writing of *Ijtihad* lecture. We are of the opinion that this chapter has no practical utility for a student of Islamic law or even for those from other disciplines. It may have some fanciful relevance to those who attach undue importance to secondary matters while ignoring the primary one.

Chapter 5 clarifies magnificently the distinctive features of mechanism in relation to dynamism and highlights how Iqbal focused on dynamic character of universe, Islamic mode of prayer, self, Quran and *Ijtihad*. With regard to *Ijtihad*, we are introduced to five dynamic elements in Iqbal’s thought i.e., Quran’s anti-classical spirit; dynamic concept of universe, society and culture in Islam; the idea of the changeability of the life, the realism of juristic reasoning in Islam and the evolutionary and dynamic concept of intellect and thought in Islam. We are also informed about Iqbal’s refutations of Aghnides’ observation that “Islamic system of law does not possess evolutionary view of life and the qualifications and limitations for *Ijtihad* illustrate the mechanical nature of law”. For Iqbal the conflict between the legists of Hijaz and Iraq, instead of warranting stagnation, became a source of life and movement in the law of Islam. Besides, we are also confronted in these pages with the anti-pathy of Iqbal to rationalism and his advice to leaders of the world today to understand the real meaning of what has happened in Europe and then to move forward with self-control and a clear insight into the ultimate aims of Islam as a social policy. This chapter also provides us an insight why Iqbal preferred *Reconstruction of religious thought in Islam* rather than *Reformation and modernization*. According to Iqbal, *Reconstruction* aims at restoring the original universalism and dynamism of Islam, which object cannot be achieved by adopting the terms “reformation” and “modernisation”.

The meaning of *Ijtihad*, from legal viewpoint has also been introduced in this chapter. We are rightly told that Iqbal rejects both school-related and problem-related authority in law-making but stands for complete authority in law-making. As a prelude to Iqbal's thought, the learned author familiarises us with Iqbal's poetic verses some opposing and some supporting *Ijtihad*. One of the conclusions of the author about *taqlid-sanctioning* verses is that "to concluded from these verses that Iqbal supported *taqlid* against *ijtihad* would certainly constitute a grave misunderstanding of Iqbal's thought". We fail to support this argument of the author fully. There is every possibility that Iqbal stood sincerely for *taqlid* in early days of his life and later changing scenario changed his vision and mission. If time factor is ignored in assessing Iqbal's thought, then surely one can read in these verses that Iqbal had reposed his impeccable faith in *taqlid*. Our view is also shared by B.A. Dar's conclusion about Iqbal's *Taqlid* verses quoted by the author himself.

However, the magnificence and the beauty of this chapter has been eroded by Masud by juxtaposition of his views with that of Iqbal and self - contradiction in his conclusions.

Attributing the statement to Iqbal, Masud writes:

"He (Iqbal) explains that so many limitations and qualifications were added to the requirements for the exercise of *Ijtihad* and that these qualifications were made so difficult to attain, that it became well nigh impossible for any individual to exercise *Ijtihad*. This criticism of any qualifications is, however, rather exaggerated. The view that *Ijtihad* was impossible due to impossible qualifications is in fact the idea of many modern writers. The conservatives stress this point to prove the validity of *Taqlid*. The modernists cite it to prove the stubborn conservatism of the traditionalists". (pp 125-126)

The fact is that Iqbal's real statement is only from "He ... to exercise *Ijtihad*". The words this "criticism ... traditionalists" are Masud's own observations. However, the way the statement has been foot-noted, creates an impression that Iqbal suffers from inconsistency and ambiguity with regard to qualifications of *Mujtahid*.

Besides in response to Iqbal's argument that 'qualifications for exercise of *Ijtihad* were made so difficult to attain ...'. The learned author has come out with the observation that five qualifications for exercise of *Ijtihad*, viz,

Knowledge of Book, *Sunnah*, precedents of *Ijma*, *Qiyas* and Arabic are neither impossible to attain nor are they irrelevant or unnecessarily imposed in order to make *Ijtihad* impossible. He refers extensively in this regard to the views of Al-Ghazali and Abu Zahra. After so much of deliberations and justifications, Masud contends that “these qualifications are nevertheless insufficient for *Ijtihad* in modern times. The progress that human knowledge has made these days, the breadth of scope and the depth that it has gained demand revision of these qualifications”.

Iqbal is in essence the product of 20th century. He realized the fact that one-man *Ijtihad* is no more possible and earlier qualifications of *Mujtahid* are impracticable in view of broadening human knowledge. If, in above lines Masud also shares the same viewpoint, then what purpose it has served him to defend classical qualifications of *Ijtihad*. Besides, if a person acquires five qualifications outlined by Masud for exercising *Ijtihad*, then how the attainment of these qualifications would help him in comprehending the intricacies of cyberspace, teleconferencing, contemporary economic propositions and other realities of this temporal world. Self-contradiction in Masud’s observation is writ large.

Under the title 'Law, State and *Ulama*', chapter 6 introduces us the definition of *Ijma* and also provides us an insight into debates relating to *khilafat*. We are told that the principle of election is the principle of Quran and the will of whole Muslim community is the further source of law. Consistent with Iqbal’s views, it is said that Turkish development is a demonstrative spirit of Islam. For *Ijma*, author contends, one has to be familiar with several sciences and traditional scholars cannot alone exercise *Ijtihad*. The proposed solution lies in an institution where experts on these sciences may sit together with traditional scholars to deliberate on such matters. Masud rightly informs us that Iqbal reviewed two methods of *Ulama*’s participation in politics namely method adopted under 1906 constitution of Iran wherein *ulama* consider themselves entitled to supervise the whole life of community and secondly the formation of assembly of *ulama*, independent of legislature. Masud has in this chapter successfully forged a link of *khilafat* with *Ijtihad* and *Ijam*. Despite the overall relevance of this chapter we find a conflicting entry in this chapter. Masud writes that “Iqbal’s reconstruction of *Ijma* places emphasis on the participation of common man in the process of law-making”. The fact is that Iqbal never

favoured a common man participation in legislation; he advocated the participation of those laymen who happen to possess a keen insight into affairs. Thus every Tom and Harry cannot have a participatory role in law-making process of a Muslim nation. Later, Masud also reaches the same conclusion when he says that 'Iqbal stresses the significance of layman's contribution due to latter's keen insight in this affairs'.

In order to highlight the practical demonstration of *Ulama's* role in legislative process, chapter 7 under the title 'Justice, Law, and Reform' familiarizes us with the historical background of Dissolution of Muslim Marriages Act, 1939. Under the pretension of highlighting the development of public opinion on the need to reform those Islamic laws that caused hardship for Muslim women, the 22 page chapter introduces us Islamic law relating to apostasy, judicial precedents leading to apostasy and the contribution of Mawlana Ashraf Ali Thanawi towards the enactment of the above Act. Iqbal in his lecture did not only deal with apostasy but also talked about polygamy, inheritance and divorce rights of females. It is an open truth that Iqbal considered polygamy as 'religio-legal excuse to the rich for adultery'. Although polygamy has not been banned in Pakistan but legislatively it is controlled under sec.6 of Pakistan Ordinance, 1961. Author to refer to this piece of legislation. Besides, author had an ample opportunity of discussing inheritance rights of female from Iqbal's viewpoint but no such details have been provided.

Besides, in contradiction to Iqbal's stand on Hanafi approach to *Hadith*, Masud claims that 'Hanafis accepted not only *abadith* that were *marfu* but also the *mursal*'. We are also told that 'Hanafis tended to reject a deduction based on pure *qiyas* in favour of a *mursal hadith* and it was often called *Istibsas*'. We consider all these arguments pure conjectures because no authority has been cited by Masud to reinforce his argument.

Chapter 8 professing to have "an analytical review of the criticism of Iqbal's lecture" contains the maze of criticism against Iqbal's lecture from Muslim and non-Muslim critics. Masud has forcefully neutralized Bahi's criticism regarding the reference of orientalist by Iqbal in his lecture. However, this forcefulness is nowhere visible when Masud tries to counter Gibb's allegation that 'Iqbal bypassed problem of divorce to concentrate on the easier problem of inheritance'. In response Masud writes that it were "the Iqbal's remarks and strong pleas that generated the process of legal

reform providing Muslim women the right of dissolution of marriage”. Masud’s contention is partially irrelevant. Iqbal did not discuss divorce right of females in general but only concentrated on *apostasy* aspect whereby he concluded that ‘Hanafi law on apostasy was not protecting the religion but was rather forcing women to abandon the religion’. Besides, when Zia Gokalp talked about inequality in divorce, he was mainly concerned with the husband’s right of *Talaq* especially *Triple Talaq*. No one can dispute this fact that in most Muslim countries this privilege continues with the husband without any parallel right in the wife.

Likewise, we fail to agree with Masud that absence of details on divorce in *Reconstruction* ‘reflects Iqbal’s view that legal reform should be in response to a social need’. In reality, Iqbal had no material to counter Gibb’s argument and so he avoided full discussion on this issue by contending that “the wife at the time of marriage is at liberty to get the husband’s power of divorce delegated to her on stated conditions and thus secure equality of divorce with her husband”. No one can deny that only few husbands would like to compromise with their right of *Talaq*. Additionally, in Indian sub-continent women have actually suffered a lot on account of the way the *Talaq* power is exercised by the husband. Dissolution of Muslim Marriages Act, 1939 has not disturbed the classical law of Triple divorce, although some procedural limitations have been enacted under section 7 of Pakistan Ordinance, 1961. There was surely a social need existing during Iqbal’s time to reform Hanafi law relating to *Talaq* in accordance with Quranic injunctions but for cultural ethos in the subcontinent it could not mature at all.

Further the objectionable part of this chapter is the reference to Iqbal’s views on Quran and *Hadith*. As contended earlier, Iqbal’s views on legal relevance of Quran and *Hadith* should have been the subject of inquiry and discussion in a separate chapter because that would have identified the frontiers within which the right of *Ijtihad* has to be exercised. However Masud does not depict Iqbal’s views in true spirit when he says: “Iqbal considered principles in Quran were eternal whereas legality of *Hadith* disturbed him”. As contended earlier, all legal verses in Quran were not eternal for Iqbal. He was simply concerned with foundational legal principles. Regarding *Hadith* Iqbal stands for an outright non-consideration of it in legal matters and so the question of the legality of *Hadith* disturbing him does not arise.

In its two page conclusion, Masud has realistically argued that the study of Iqbal's reconstruction of *Ijtihad* in its doctrinal, historical and semantic context was necessary for proper evaluation of Iqbal's contribution. Masud, *inter alia*, impliedly endorses Iqbal's creation of an institution in the form of Legislative Assembly by the combination of *Ijtihad* and *Ijma* institutions. We are told that constitutional development in Pakistan are reflecting Iqbal's reconstruction of *Ijtihad* particularly the participatory role of *Ulama*. Here we want to make it clear that Iqbal endorses the participatory role of *Ulama* only when they happen to be the members of the legislature. Otherwise their role is merely recommendatory i.e. they are supposed to help and guide free discussions on questions relating to law. In other words, if a conflict emerges regarding a future enactment, then it will be the will of the legislative assembly which would prevail over the reasoning of the *Ulama*. While commenting upon the role of *Ulama* from Iqbal's viewpoint, Pakistan Supreme Court in *Khurshid Jane V. Fazal Dad*, PLD 1964 (W).

P) Lahore 558 observed:

*Two distinct thoughts are visible in these observations. One that the legislative assemblies of the modern state may assume the role of Ijma' and other that the sovereignty of the legislature should not be impaired by subjecting it to the authority of an external organ.*

In conclusion, Masud's book has indeed tried to interweave the loose threads of discussions, informations and explanations regarding Iqbal's views on *Ijtihad*. However, the failure to shed light on the frontiers within which *Ijtihad* has to be exercised coupled with entries of juxtaposition and self-contradiction has not *fully* helped in fulfillment of aims of this book advanced by the author in the introduction, i.e. 'forestalling the shortcomings of the partial and pedestrian studies which are not suitable for the appreciation of thinkers like Iqbal who are themselves perpetually involved in the process of reform'.

***Call of the Marching Bell* ☞ English Translation Notes and Commentary of *Bang-i-Dara* (Allamah Muhammad Iqbal) By. M. A. K. Khalil, 106 Highland Drive, St. John's, Newfoundland, A1A 3C5, Canada. Pp. 477. ISBN 969-416-023-9 (Distributed by Iqbal Academy Pakistan)**

Translating prose of any language into prose of an other is quite a daunting job, as every language has unique characteristics which reflect the

religious, cultural and social backgrounds of the people who speak it. The task of translation becomes far more difficult when one is trying to translate poetry of one language into idiomatic prose of another, simply because, in general, poetry has a 'language of its own' which may be quite different from the everyday idiom of the people.

The work under review is a gallant attempt at translating Urdu poetry of very high caliber into English verse. *Bang-i-Dara* is indubitably the most well-known and arguably the best Urdu work of Allamah Muhammad Iqbal (1877-1938), who was one of the most prominent and influential thinkers of the twentieth century. His philosophy of *khudi* (self-realization) has been instrumental in awakening the poor and suppressed masses of the East, particularly of the Muslim world. He wrote several books of poetry in Urdu and Persian. His prose writings in English have world-wide appeal, especially because, in these he has explained, elaborated upon and justified the universality of Islam and its relevance to modern times.

His Urdu poems collected in *Bang-i-Dara* deal with a large variety of subjects and ideas, but concentrate mainly on the state of the Muslim in modern times and exhort them to learn from their glorious past, wake from their present slumber and build a worthy future of one united *Ummah* (community), 'from the banks of the Nile to the plains of Kashghar' as God enjoined them to 'promote the good and forbid the evil in the world.

Khalil's attempt to translate these poems which are replete with reference to the Qur'an, the traditions of the Prophet (PBUH), Islamic history, culture and civilizations, important Personalities as well as events of world history and much more, and, above all, examples of Urdu poetry of incomparable beauty and feeling, is indeed praiseworthy. Even from the quantitative aspects of the original book, to embark on its translation in its entirety was a mammoth task. In addition to translating every couplet in every poem, Khalil has given the gist of every poem before translation, which helps an English reader to better understand and appreciate the poem.

Two early chapters, 'The Life and Times of Allamah Iqbal' (Chapter 2) and 'The Philosophy of Iqbal: Sources and Expressions in *Bang-i-Dara* (Chapter 3), are extremely useful as they contain well-researched material in a concise form and are an important addition to the literature on *Iqbaliyyat* in English. A section on the 'Sources of the Philosophy of Allamah Iqbal' lists,

first in order of importance and then chronologically, all the influences on the poet's thinking, starting with the Qur'an and the *Sunnah* (traditions) of the Prophet, through Muslim philosophers and *Sufis* etc., down to modern literature, including Western philosophy.

Again, the last 84 pages of Khalil's book contain five most useful appendices, which appreciably enhance its informational and explanatory value. Appendix I 'Biographical Notes' has 82 entries, each of which refers to one or more verses of *Bang-i-Dara*. The notes are adequately detailed and explain why these persons found a place in Iqbal's poems. A two-page note on Shah Waliullah of Delhi is particularly noteworthy, perhaps because Allamah Iqbal was greatly impressed by Shah Waliullah's writings on the subject of and efforts towards reforming the eighteenth-century Muslim society, especially in the Indo-Pakistan subcontinent.

Appendix II, 'Glossary and Explanatory Notes', is also extremely useful; a collection of Qur'anic and other terms which all writers on and about Islam have to use often without explaining their origin, historical background or even dictionary meaning. Very often these words and terms are simple expressions of everyday use and are commonly understood by Urdu speakers, but in Iqbal's poetry they have special connotations. *Aql* (intellect) is one such word. By defining them, in their proper context, Khalil has helped the English reader tremendously.

Appendix III 'Bibliography', which is quite comprehensive and varied is further testimony to Khalil's extensive research which is reflected throughout the book.

The translation itself is by far and large accurate. However, at places, it is too literal and does not fully convey the beauty and elegance of the original Urdu although, as has already been said, in translation it is almost impossible to achieve this anyway! Nevertheless if an Urdu word or phrase is capable of being translated in more than one way Khalil has found the one which approximates most closely to the essence of the original Urdu.

Whether or not we accept Khalil's translation of *Bang-i-Dara* as an example of high class English verse, the fact remains that he has eminently succeeded in making Iqbal's ideas, as displayed in *Bang-i-Dara* accessible to the English speaking world, and this is no mean achievement. English translations of Iqbal's works are few and far between and the few which do

exist have not found their way to a mass readership. The book under review seems to possess some of the qualities which would appeal to an English reader who is interested in the best of other languages' literature. Khalil is to be congratulated on his work. The excellent quality of its paper, printing, binding, etc, have made this a book that every admirer of Iqbal who knows English would be delighted to have on his/her bookshelf.