

CONCEPT OF MOVEMENT AND NATURE OF SHARI'AH

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o much has been discussed about the *Sharā'ah* the legal theory and its inert principles. This research note aims at discussing the nature of the *Sharā'ah* in terms of movement and time as explained by Muhammad Iqbal in his philosophy of *Kbudâ* which is translated by R.A. Nicholson as Ego, the Self and the Personality.

In order to discuss the nature of the *Sharā'ah* familiarity with the nature of the Muslim Community is a prerequisite that is, the institution of the *Sharā'ah* in Islam is closely related with the *Ummah* (the community) and its daily life. The Qur'«n of course, tends to bring about a community characterized by faith, justice and solidarity. It is however, understood that the Qur'«n in its silence and its attitude, that it reduces the legal matters into a very small volume, keeps the door open for the natural emergence of legal element and its evolution as an organ of the community itself, and not as an institution *sui generis*. What is then the nature of the Muslim community from whose bosom these legal elements emerge, develop and flourish?

Professor T. Kuroda assumes that the basic nature of Arab Islamic community is characterized by the nomadic culture, a unique feature of Bedouins who constitute the general body politic of Arabia and its neighbouring regions. Borrowing the concept of nomadology introduced by G. Deleuze and F. Guattari in their "Mille Plateaux Professor Kuroda explains in his essay "On the Nature of Community in the Arab-Muslim World," the nature of this society in terms of *espace Lisse* (smooth space), in the sense that it is a community of GO which stands *vis-à-vis* Chess. To elaborate this theory, let me reproduce what G. Deleuze and F. Guattari assert.

According to them, GO and Chess are different entities. Whereas Chess is semiology, Go is a pure strategy; thus, their spaces are totally different. In Chess it is a question of going from one point to another of occupying the maximum number of squares with minimum number of pieces. In GO, it is a question of arraying oneself in an open space, of holding space, of maintaining the possibility of springing up at any point. The movement is not from one point to another, but becomes perpetual without aim or destination. The smooth space of GO stands against the striated space of Chess. The difference is that Chess codes and decodes the space, whereas GO proceeds altogether differently, territorializing and de-territorializing.

This nature of *espace lisse*, as a dynamic character of Arab-Islamic Community, is truly reflected in the *Sharā'ah* and its process. In this respect Max Horten rightly says that the spirit of Islam is so broad that it is practically boundless. With the exception of atheistic idea alone it has assimilated all the attainable ideas of surrounding peoples and given them its own peculiar direction of development. This is what Iqbal expresses in his philosophy in terms of *Kbudâ*, a means of movement and tension and a prime factor for its survival and permanence.

The Concept of *Kbudâ* (the Self) is the core of Iqbal's philosophy which he developed on his own. His writings, both poem and prose are embellished by this concept. He wrote two volumes of poetry explaining his philosophy: *Asrār-i-Kbudâ* (The Secret of the Self), and *Rum̄z-i-be-Kbudâ* (The Secret of the Selflessness). Iqbal developed such a philosophy out of some reasons: a profound understanding of the Qur'anic philosophy as dynamic and eternal, parallel to that of the scientific principles; a deep study of the nature of human-life; and the milieu in which he was living that is, the political, the economic and the religious instability. Iqbal understood that the world today is totally different from the one before. A call to return to the Qur'ān and the *Sunnah* alone will not provide solutions. This should be allied with the revolutionary force of some philosophy which is apt to vitalise the movement and ensure its triumph. He realised that the Western scientific

interpretation of phenomena, Hindu Intellectualism and the blind fatalism of reactionaries had destroyed the capacity of action, leaving the people in intellectual and moral slavery. Iqbal firmly believed that “only by self-affirmation, self-expression and self-development can the Muslims once more become awaken and free,” because the capacity of movement ultimately depends on the individual personality and its power, i.e. the Self. In his words:

The form of existence is an effect of the Self

Whatsoever thou Seest is a Secret of the Self

Among many things Iqbal explained in terms of *Khudá* (the self or Ego), concept of movement that is the continuation of the personality and concept of time are our concern. According to him, “in man the centre of life become an Ego or Person and personality is a state of tension and can continue only if that tension is maintained. If a state of tension is not maintained relaxation will ensue.” He further elaborates his idea and says, “that which tends to maintain the state of tension tends to make us immortal. Thus the idea of personality gives us a standard of value; it settles the problem of good and evil. That which fortifies the personality is good, that which weakens it is bad. Art, religion and ethics must be judged from the stand point of personality.”

It is a serious question in Islam whether “law is a divinely ordained system or it is a developing phenomenon adapting itself to the changing social conditions.” The orthodox *‘ulamā’* assume that the *Sharā‘ah* is ordained and eternal, meaning that there is no change, no possibility of reinterpretation, an idea vehemently opposed by modernist scholars among whom Iqbal is the leading one. Since Iqbal had already developed the philosophy of Ego, he saw it appropriate to apply it as a basic method to actualise the principle of movement in the structure of Islam that is *ijtibād* and thus keep the *Sharā‘ah* *dynamic* and vital.

Personality of a person or a system, according to Iqbal, can continue only if the state of tension is maintained. The same is true in *Sharâ'ah* that is, the tension brings change and the change causes continuation and thus expansion and immortality ensue. This idea is supported by the Concept of Time which Iqbal seems to have borrowed partly from Bergson, partly acquired from his profound Qur'anic study. He says: Bergson taught us that time is not an infinite line. On the other hand the Qur'an repeatedly uses a term '*ajalun musamm'*', meaning a limited time, for matters relating to a person, a nation and an epoch etc, (Qur'an, 6:2, 7:34, 13:2, 46:3). Bergson seemed to have guessed this Qur'anic viewpoint before Iqbal when he said that time is not an infinite line. Iqbal, however, seems to be confident that if matters relating to a person, to a nation or to an epoch are, according to the Qur'an governed by certain limited time, then why not the *Sharâ'ah*? Is not the *Sharâ'ah* concerned with every matter of a person, a nation or an epoch? That which tends to determine the life of man tends to determine the laws that govern his entire affairs of life. That is, the *Sharâ'ah* in its process towards integration, expansion and permanence has been frequently facing the relaxation resulting from this Quranic principle of *ajalun musamm'*, which is why, it needs reinterpretation and reconstruction for the sake of its survival and revival.

Whereas Plato emphasised that physical existence is unreal, Iqbal, however, criticises him and says that such idea is responsible for the emergence of mysticism which negates action that is Ego in man. He held that extinction of human-ego has been one of the major causes of man's decline. He highly appreciates the moot point of *Being and Becoming*, a basic principle of the philosophy of Heraclitus which determines the law of change and permanence in the Universe. Iqbal also completely agrees with Professor McTaggart in his opinion that the Universe is an association of individuals," and then elaborates by saying: we are gradually travelling from chaos to cosmos and are helpers of achievement of an orderliness and adjustment in that association. On the other hand, Iqbal was however, deeply influenced by

the Qur'anic Concept of Creation, *kehalq*. He made the Qur'anic notion "Every day He is with a project" (55:30) substance of his philosophy of movement; he thus holds that members of the mentioned association are not fixed. That is to say that new members are ever coming to birth to co-operate in the great task.

According to Iqbal, the Universe is not a complete act, it is still in course of formation and the process of creation is still going on and man too takes his share in it. Being thus, the concept of movement and permanence, an ultimate principle of Divine Sovereignty, not only governs the Universe, but also stands as the basic principle of action, tension, creation and integration and man takes part in this gigantic process of expansion towards infinity. Islam, according to Iqbal comes in full agreement with universal dynamism. For him, a society based on conception of change in its life must reconcile the categories of permanence and change and this can be maintained only by maintaining the tension and movement in the structure of Islam, which in *Sharā'ah* is *Ijtihād*.

The nature of Islamic law is the nature of dynamism in human life that is, it is not purely legal in the strict sense of the term; rather, it embraces all the spheres of life in balance, harmony and equipoise. This does not necessarily mean that Islamic law primarily grows out of, and moulded by, society as it is the case with positive law. It remains Divine supreme and self-existent and to its flexibly valid dictates the structure of society must conform in every age. Although the foundation of the structure of Islamic society is monolithic, the nature of Islamic law remains flexible and harmonious with the requirements of every age agreeing with the Quranic principle of '*ajalun musammā'*' (a limited time), that is to say that it stands in every age as the self-existent law for its revival's sake. Since the nature of law is dynamic, change will occur and thus law becomes an ineffaceable pace towards its eternity. God says: Every day He is with a project, (55:30) Here Time loses its speculation within the dynamic process of existence and its expansion. In this respect, Iqbal rightly says: In reality we are timeless. Yes, the concept of movement not

only governs the Universe, but also stands as the basic principle of action, tension and integration and man takes his part in this gigantic process towards infinity. Since the nature of the *Sharâ'ab* is dynamic and its plain is *espace isse*, no wonder it enjoys the characteristics of permanence and eternity.

The principle of movement in the structure of Islam was a matter of prime concern for Iqbal until his last breath. He was perfectly aware of the painful situation which was about to take place in Europe during his lifetime. He suggests and reminds that “the lesson which the rise and outcome of Luther's movement teaches should not be lost on us”. He assumes that “the Reformation was essentially a political movement and net result of it in Europe was a gradual displacement of the universal ethics of Christianity by system of national ethics”. He was badly agonized by the result of the Great European War which, far from bringing any workable synthesis of the two opposing systems of ethics has made the European situation still more intolerable. Hence he calls for reconstruction of religious thought in Islam, an attempt “to move forward with self control and a clear insight into the ultimate aims of Islam as a social polity.”