



دلالة الخلود في الاسلام

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ISLAM
RELIGION OF ALL AGES

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Requirements:

Human beings in their physical make-up and essential humanity from the beginnings of time have had an unchangable aspect. Man's needs and requirements, however, are subject to change and crystalize into variable forms which come to be adopted in the course of evolution according to variations of time and place.

"By contrast in man's permanent primordial nature, there develop those societal variations that come to be adopted from time to time to meet the exigencies of time and place. These are what are known as conventions in society." (History of Political Philosophy - p. 49)

A part of man's needs, both individual and societal, become institutionalized into fixed forms over time, while there are others of a mutable and alterable nature. The basic needs for sustaining the life of man in every epoch tends to have variations throughout the course of the development and evolution of man. Nevertheless immutable needs do indeed over time contribute towards the greater and

more permanent development in the evolution of human life.

Immutable and primary needs never wear out or become subject to change such as comes about with modernization; they are not destroyed and continue to be strong, vibrant and alive.

As for conventional needs, these do not have this character of permanence and durability; they may exist in their forms for a time, or they may be destroyed after a time when there is no use any longer for them.

It follows then that laws devised in relation to these aspects of man's societal and individual needs have to have a fixed and immutable character as for the permanent forms and embodied within them conditions which suit the more flexible and mutable forms, in so far as the latter can be anticipated.

Fixed and Variable Laws

Fixed and permanent laws are need for man in terms of his fixed and permanent needs and other laws of a less permanent or

fixed character have to come into being in order to meet the requirements of his changing needs according to the expediencies of time and place. A society can never be regulated without such regulations because social transformation necessarily involves the replacement of the old by the new and in time the new takes on a permanent character.

These laws, of course undergo change with the gradual progress of society in various epochs and at various places and are not of course applicable to all periods and all places; they are rather applicable only to specific societies at specific times. For example people who have lived throughout the ages leading very simple lives, working with basic raw materials, working hard at uncomplicated tasks tended in their needs for food, clothing and shelter to regulate their lives through the simplest of laws and never needed the complicated laws such as are in force in modern societies.

At some time in the past man travelled on foot or on horseback passing along primitive tracks from region to region

and hence he needed only the simplest of roads on which to traverse. Today with the development of complicated machines, the speed at which man gets to from place to place and the vast numbers travelling there has been a tremendous change in the manner of travel and indeed of the character of travel. A whole range of new travel regulations have to be taken into account and science has met the new needs for man's transformed needs in this sphere. In all this we see a change from the primitive life of simple man to the tremendous impact of modern changes in the life of today's civilized man.

The factors that have led to this complex expansion of civilization have necessitated a number of new contracts and laws to cope with the advanced pace in the changes. Indeed the regulations so effected are of such a complex nature and require such rapid changes that they tend to conflict with laws already in force which then have to be changed to adopt to the new conditions and to the new environmental factors.

Man naturally needs to be in possession of and regulated by a set body of laws and permanent regulations relating to the satisfaction of his primary needs including housing, food, marriage, clothing, and then these have to be further related to the question of private and public ownership, the relations between individual and government, the question of order and defense at a social level and many other such like factors. All such regulations have almost a permanent character since man at any time needs them for harmonious structuring of his life in society. Nevertheless in certain circumstances laws need to be changed in order to accord with changes of circumstance, of time and place. For this reason regulations are divided into two categories; fixed laws and changeable laws.

Hence in every form of social law there are these two forms of the fixed and the changeable, just as there are in democratic constitutions the fixed articles of a constitution and the laws which are passed from time to time by an assembly formed according to the consti-

tution. If a country's constitution has to be changed this has usually to be done only through a referendum in which all the citizens of that country take part. But an assembly under the constitution can make and change laws according to the manner in which it thinks fit.

A look at sociological books and books on the history of political philosophy will show us that man indeed has not been able to free himself from laws that were promulgated in almost 2,500 years ago in Rome and Greece. The political thinking of such philosophers as Socrates, Plato and Aristotle and even of philosophers before them are discussed and studied in political sciences to this day. Politicians and jurists admit that even the methods governing modern industrialized societies and their political forms such as the concepts of constitutional government, justice, freedom and respect for law are all derived from the political ideals of Greece and Rome and have been influenced in one way or another by them. At least the definition of the terms in all these concepts can be traced back to the Greek Sietah

as conceived by the Greek philosophers. (History of Political Philosophy, p. 64)

In the book 'History of Political Philosophy' in the chapter entitled; 'Comparison between the political ideals of the Sietah government with today's political ideals of democratic states,' we read:

"It is one of the greatest and most significant aspects of the success of Greece, that it has been able to influence through its concepts the ideas and ideals of government through the centuries right down to present times. No nation or government since the Greeks have been able to define political institutions in such a way as they did maintaining the ideal of liberation apart from and without being influenced by the institutional forms or political philosophies of the ruling body. Today, after 2,500 years when man's industrial, technical and scientific advancements have surged ahead these same ideals which were discussed then and helped in the solution of problems of ancient Greek society are discussed and researched to this day."

Of course besides all these ideals the Greeks and Romans did have and use regulations and laws of a temporary nature which have now become obsolete and were destroyed in course of time. But on their fixed and eternal laws the passage of time has hardly had an effect and these laws continue to endure and have been preserved to this day.

When we come to look at the laws and methods in Islam the comparison with these ancient systems is almost appropriate as far as their applicability to modern times is concerned. The best answer to those who find in Islamic laws a reversal of the wheels of times century's back is to see how enduring these other ancient systems have been. These critics of Islamic laws should be asked how it is that Islamic laws which date only 1,400 years can be outdated or a reversal when Greek and Roman laws of 2,500 years ago are still virile, applicable and endure to this day.

The ideas and ideals of Plato and Aristotle have come to be regarded as a *sine qua non* of all social and political sciences in

modern times and they are inextricably a part of the political institutions and philosophies of Europe to this day.

As for Islamic laws, they are not a product of the human mind. Islamic Laws in their origin are on the other hand based on revelations sent down from the Creator of the world and are therefore immutable and fixed as are other laws of our world with the wonderful and exquisite order governing it.

Both these philosophers, Plato and Aristotle, did not write their political philosophies with any particular government, or any special place in mind but had in mind only the belief that their philosophies should be suitable to meet the Sietah government of the particular epoch in which they lived. Yet their philosophies stood the test of time, never becoming obsolete but rather expanding in their scope and capable of application to larger governments in later times and to countries which were far bigger than the Sietah in the world in later centuries.

Plato and Aristotle during their

what the uphill road is? It is the setting free of a slave, or the giving of food in a day of hunger to an orphan, having relationship, or to the poor man lying in the dust."

The prophet said: "The worst person is he who sells human beings."⁽¹⁾ The interesting point in this utterance which deeply impresses the mind is the use of the word "naass" meaning "person" for the seller, and the same word "naass" instead of the word "slave". This point signifies that both of them are equal, except that the seller is the wickedest and worst of the persons. Are we not fair then in saying that "Islam is the most supreme faith"?

Right of Living and Personal Security

No law respects an individual's life as much as Islam does, and no law grants him the right of living as Islam does. It is customary in advanced countries to measure the life of an individual by comparison with another individual. But in Islam, the life of an individual is considered equal with that of the whole mankind. The Quran says in chapter Mayeda, verse 32:

(1) شر الناس من باع الناس.

fixed laws and injunctions which will not be destroyed through the passage of time and will be taken into the matrix of religions following after it retaining the same living spirit of the original. Next there are regulations which are usually applicable and are subject to a particular time, place and conditions existing within them.

The second category of law and regulations become old, wear out and are often destroyed with the arrival of a new religion. In this is the meaning of the saying that a new religion abolishes the older one surpassing it. The outworn laws replaced by the new religion are usually the ones of a temporary and changeable character applicable only to particular times and circumstances. One might describe these as waves of a true truth and yet we wonder how it can be conceived that a truth is ever supplanted or destroyed by another truth.

The explanation for this phenomenon, however, lies in the fact that it is not inevitable for a new religion to replace all that is found in the old. In revealed religions invariably there are a set of fixed laws and regulations to

which all the prophets from the time of Adam to the time of the Prophet Muhammad (SAW) who was known as the Seal of the Prophets, invited all their adherents.

One may at this point also note that it is possible for there to be changes, annulments and such like occurring in laws of a particular religion when they are superceded within the same religion through the imposition of new commands; that is a new command replacing an older command. In Islamic laws there are such examples of such laws which are called temporary laws.

For man's fixed and permanent needs, Islam has laid down fixed and immutable or unchangable laws and for temporal and alterable needs other anticipated changable and alterable laws. Consequently the laws and regulations which are implemented in Islamic society are of two kinds; fixed and changable, or imutable and temporal laws.

The first kind consists of a series of regulations which have been revealed to the Holy Prophet of Islam (SAW) in the form of

heavenly revelations and are innate to the religion. These laws have been set down as indispensable and have in every instance to be followed by mankind for all time. As the narrations say: "That which has been labelled *halalh* (legal) is legitimate for ever, and that which has been called *haram* (forbidden) is prohibited for ever."

In this category of law and regulation the time factor is of little effect or consideration and they are the same in every epoch. Islamic laws in this category arise from the original compelling necessity for his noble requirements and emanate from such need. As long as man possesses his essential character and form these laws will always continue to be applicable, and will not be subject to change, - the only possibility of change perhaps is if human beings are expelled from this world into another taking other forms, or perhaps transformed as animals in which case such laws will cease to apply; but this is not within our conception since the human being can never revert to animal status. Consequently then all such fixed laws in Islam

have come into being on the basis of human nature as it is are fixed and unalterable.

The second category of laws are those which have been formulated and implemented according to the exigencies of time and place and such laws are not based on solid or stable foundations being usually subject to change and alteration in course of time with the advances in civilization and with the varying demands of time and circumstances in which they are to be found. In other words, such laws are subject to the exigencies of time and place for their formulation and when they fall into desuetude for their ultimate abolition.

RELIGIOUS HEADS PREVENT WANING OF RELIGION:

In order to provide for changing conditions Islam has provided for ways of reconciling fixed and immutable principles with the need for adopting them to such changed conditions. To do this Islam has authorized the Wali of Moslems (the first, or leader among Moslems) to make decisions in accordance with

the demands of the time and formulate regulations of a suitable nature and also to implement them. The promulgation of such laws are indispensable, just as much as the observance of fixed laws and regulations are indispensable, but the difference is that the former are the result of the presence of changing conditions and are subject to the exigencies which made the formulation of such laws necessary.

Since Islamic society is constantly in a state of development and evolution, these laws naturally are subject to alteration particularly when change makes the promulgation of even better laws a necessity. Hence the Qu'ranic verse pertaining to the role of the Wali, or the leader in Islamic society says: "Obey Allah and the Messenger and the possessors of the command." The fact that "possessors of the command" have been placed alongside "Allah and Messenger" although in a lower order of priority, indicates that the authority of the Wali is only next to that of Allah and the Messenger, and it makes it obligatory on Moslems to heed his authority.

The Wali, or in history the lines of Walis, have been vested with the authority conferred on the government of the Holy Prophet (SAW) and this leadership reaches right down to the leadership of the sacred Imams and vests from them on to each and every Divine inspired government. Hence the "possessors of command" are necessarily and primarily those who are given and enjoy a Divine - bestowed infallibility. If people have no access to such possessors of command, then religious authority comes to be conferred on those who truly represent the Promised Saviour.

The influence of the Wali is extensive since it becomes necessary in the administration of an Islamic government to provide for new formulations of laws in keeping with the changes taking place during various epochs and these laws have to be founded on basic Islamic principles. In earlier times such laws did not warrant the attention which had to be given to them in changed times. The formulation of these new regulations fall within the authority of the Islamic ruler whose duty it will be to

respond to the changed contemporary needs of his people in every epoch and in every place without however allowing Islamic laws in any way to changes which are likely to alter their essential spirit beyond recognition. In this way there is new adaptation to changed conditions without change to the essential spirit of the Islamic laws in society.

What has been stated above receives support both in the verses of the Quran as well as in narrations. A part of the narration by Hazrat Imam Reza (AS) has this to say:

“If someone were to ask why God has appointed the Possessors of Command and ordered people to obey them, the answer is thus: ‘For many reasons including the fact that people have been ordered to follow a definite and specific line and they have been advised not to deflect from that line. Nor are they permitted to transgress the limits and commands implied by such limits and laws, because such transgressions and violations can lead to corruption. If people did not have such a leader (a Wali) they will lack the guidance required in following the

right paths and so they will not be able to manifest such a spirit set out in the way of such a specific path and fail to establish the Divine Laws. If a trusted guardian in the person of an individual (or a power) is not appointed to hold people back from moving beyond the limits of righteous laws there will be nothing to stop them from being led astray. In such an event, where a righteous guardian is absent, people will fall short of deriving the highest benefits of the spiritual way and their lives will only be equal to what is prevalent in the "corruptions" of other people.'

"Another reason which makes it essential for a Wali or Imam to lead people, to establish a righteous order of law, carry out with trust his office, protect, guard and serve the people as their trustee is that if such a personage is not found then religion will suffer erosion wear away and be eventually destroyed and Islamic traditions and commandments transformed and reversed beyond recognition."

The following narration will bear testimony to the above quotations from Imam

Reza (AS):

As understood from the holy Imam's remarks, an Imam or in the absence of an Imam, religious faqihs (jurisprudents) and religious authorities are an absolute necessity in every epoch to prevent lofty Islamic teachings from falling into desuetude and fading away altogether.

IJTIHAD:

Ijtihad means the exertion of one's utmost in striving to comprehend Islamic regulations using sources such as the Book (Holy Qoran), Sunnah, consensus and reason.

In this age Ijtihad is an urgent responsibility devolving on Moslem scholars and scientists who should follow upon this as a duty. During the era which closed the period of prophethood, Ijtihad played a very sensitive and fundamental role. In fact Ijtihad can be likened to a bridge connecting the past with the future world of Islam. Ijtihad is one of the institutions, or factors which makes possible

for Islam to remain an eternal religion. Ijtihad has been truly called the motivating force of Islam.

Ibn Sina (428 - 370 A.D.) the great Islamic philosopher, with subtle intelligence speaks of Ijtihad in the following terms:

“Islamic general laws are fixed, unchangeable and limited but events give rise to circumstances and questions arising from them which need solution in relation to what such questions pose in themselves. For this reason it is necessary that in every epoch a group of experts on Islamic laws of general nature and with the knowledge relating to questions and events of contemporary times should exercise Ijtihad and deduce decrees with references to and study of Islamic sources.”

Time advances rapidly and naturally the demands of changing times generate and give rise to questions which demand solution for the continuous movement of human life. In order to provide the needed solutions to such great needs in life, living, far - sighted Moslem jurists are required

to adjust Islamic concepts and general principles in conformity with the requirements of changed modern times. The object of such exercises will be to create an understanding of religion in an high evolutionary scale and present it to the minds of the newer generations so as to accord with the progress in science and modern trends within the intellectual comprehension of people. Moslem jurists should create within the Islamic jurisprudential framework conditions which will fit in with the thinking and demands of modern times and in such a way that will be comprehended by the people who will be able to appreciate and discover the advantages of such adjustments from a religious viewpoint. Jurists should not remain trapped in the effete bonds of the past, or remain frozen and static in their approaches to spiritual needs enquiring transformation to modern needs, but keep abreast of the times.

In one of the narrations of Ijtihad and following (Taqlid) we read:

“A person by the name of Ishaq bin Yaqub writes a letter to the Promised Mahdi

and asks the Imam about the problems that have befallen upon him. Muhammad Ibn Osman Thamar (the Imam's special representative) carries the letter and gives it to the Imam.

The holy Imam replies the letter in his own handwriting saying that in times when problems arise one should refer to the transmitters of narrations because they are my proof to you, and I am God's proof."

"Unforeseen events" in the narration can be explained to mean fresh problems that come up from time to time. The writer of the letter asks how in a situation when there may be no access to the Imam, such situations can be considered for solution. To this the Imam suggests that Moslems should refer to responsible religious jurists and rulers.

A few contemporary jurists hold that "events" do not refer to religious questions and commandments because within the Shi'a scheme of things such religious questions have always to be decided on by Moslem jurists. Hence they argue that the events referred to are actually social problems

and those extending to modern changes and adaptation with repercussions in the cultural, intellectual, social, political and human spheres in the course of their evolution and development.

At any rate, whether what is referred to is new problems arising from time to time, or others of a different nature, still the fact remains that where Moslems are confronted with questions requiring solution they need to refer to the transmitters of hadith (jurisprudents) for a responsible decision by them. One cannot ignore the fact that this is one of the cornerstones of Shi'a jurisprudence. Naturally then any problem arising in contemporary times and those on which there have been no earlier solutions, pronouncements or decrees by former jurisprudents, need to be investigated and answers to them provided after consideration on a rational, scientific basis and according to the principles set down by Ijtihad.

A study and survey of books on jurisprudence from earlier centuries indicate that parallel with new issues which required solution for the people there was a gradual addi-

tion to jurisprudential works as jurists formulated new answers to these upcoming questions. In this way new pages were added to jurisprudential works.

A look at jurisprudential works before that of the late Sheikh Tusi (460 A.H.) will show that these books were brief and their issues limited. Sheikh Tusi wrote his famous work 'Mabsut' in which he expanded earlier jurisprudential issues thus creating a revolutionary new way in jurisprudence.

In succeeding epochs, as a result of endeavours and efforts of Islamic jurists and experts new volumes have been added to the works of former jurists so much so that over 100 years ago the author of the book 'Jawahir' was hardly able to complete a series on jurisprudence in his lifetime.

In our time, jurisprudential issues have expanded to such an extent that no one can possibly undertake the enormous task of commenting on, investigating, writing or teaching based on the entire compilations on jurisprudence. This goes to show how very thorough-

ly and wonderfully Islam has anticipated the provision of factors needed for alterations, transformations and innovations in an adaptive manner for different historical periods, placing on jurisprudents the onerous and responsible duty of practicing Ijtihad.

This then is the mystery of Ijtihad which believes in the adjustments of Islamic thought to the demands of the time. In this way Islam has been able to provide for a whole body of instructions, and injunctions which human beings will need to have to the end of time in a most gratifying way and in keeping with the evolution of humanity in thought and spirituality.

At chapter of the glorious book 'Al - Kafi' under the title "All the Needs of People have been Obtained and Thought of in the Tradition and the Qoran" is illuminative of this kind of commentary on affairs relating to events and affairs of the people. In this book the Imam claims that all that the people need in every epoch is confirmed in Islam and there can be no doubt in this.

Both orientalists and western jurists assert the reality of these claims which are indeed true and not mere unrealistic claims. All of them recognise the value of these lofty Islamic teachings as an independent body of legal and intellectual work of the highest order.

The great European scholar Santayana has said the following:

“There is in Islamic jurisprudence so many laws that they are sufficient as a comprehensive basis of all their civil laws, if not indeed for the laws of all humanity.”

A famous American researcher and professor of philosophy at the Harvard University in the United States in his book ‘The Spirit of World Politics’ in a detailed discussion on the discussion on the principles and pillars of Islamic jurisprudence writes:

“The way open for Islamic countries to make progress is not by imitating Western schools and values and applying those values to their lives. A few may ask whether Islam is able to generate new thinking and to present fresh and independent forms of teachings to mankind

to conform to the needs and demands of modern life.

The answer to these questions lies in the fact that in Islamic systems there is contained explicit encouragement for Moslems to develop their talents in every sphere available and prepare for progress and advancements as/ and when they occur. This is a characteristic which is more to be found in Islamic systems which promote evolution in terms of progress, rather than in many other systems.

The problem with Islamic countries is not that there is no means of progress within the fabric of Islam, but rather because of the regrettable tendency in Islamic countries to shun willingness to progress and fall short on the will power to make progress. As I understand it all the requisites and principles needed for the greatest progress and development are to be found in Islam."

Brotherhood and Fellowship
in
ISLAM

by
seyed Mohammed Sohofi

**Social Relations
in
Islam**

By
Syed Mohammed Sohafi