

The instrument of

Human rights

Modern democracy bases its major pillars on the will of the 'Majority and Human Rights'.

Both the aspects are not necessarily compatible at all times. A majority government can (and often does) suppress the rights of the minority, in order to bring progress to the majority. For this very reason the issue of minority rights and minority protection has been discussed, studied and codified over the centuries. Where for instance, a harsh and fundamentalist Islamic government is in power, as in Afghanistan, the minority non-Muslim population will not be permitted to practice a religious or social function where the sexes are required to mix. Would then this be the will of the majority as a democratic show-piece or an infringement of the rights of a particular group in context to the human rights issue.

Furthermore, as the human rights aspects of modern times involves elements of the individual's rights — either of the majority or minority; such as the right of a woman to bear no more children or her right to the freedom of choice in selecting a life partner, a great rift develops between the concepts of Islamic code of social conduct and the individual's human rights aspects.

It is said that the difference in the definition of democracy. Whereas most progressive states have separated state from religion, an Islamic state cannot do so since according to the Ulema,

the Islamic code encompasses affairs of the state too. From the Holy Quran and Sunnah, it is obvious that Islam does provide for governance at the public level and worship at the individual level, so an Islamic Republic cannot enforce or follow a secular treatise wherein the functions of the state and that of religion are separate.

The perception of Pakistan too has raised a controversy among the religious and secular intellectuals. On the one hand the civil societies claim that the famous declaration of the Quaid-e-Azam that Pakistan will be a secular state is the necessary proof to separate religion from state, while on the other hand the ulema and other religious scholars indicate that Pakistan was created as an Islamic state otherwise there was no logic in the two nation theory. One may add here that those subscribing to a secular state are no less Muslims and no less Pakistanis than the Islamic groups, yet the controversy will prevail. Now a secular state is not an atheist state. It simply relegates the practice of one's religion to what one thinks proper as a personal matter — not state dictated. In a state as in Pakistan, where the vast majority are Muslims, the structure of society will tend to follow an Islamic pattern naturally without external direction. As long as there are religious factions contemplating a religious society regardless of indi-

vidual freedom and civil societies stringently asserting the need for human rights enforcement, the controversy will continue.

It is said by some of the most learned religious scholars in Pakistan, Bangladesh, Egypt, Syria and Indonesia, where the study was conducted, that total individual freedom and the Islamic code of social conduct are incompatible. It leads to the surmise that at some point in the process of Islamization, individual human rights will suffer. The way things stand in the whole Islamic world today, that point has a myriad of interpretations obviously edged by the peculiar constitution prevailing in each Islamic state and the political structure of the civil societies.

In Afghanistan for instance, the wearing of a male beard particularly unstyled and the shuttlecock veil for women are already declared irrefutable codes of conduct according to the Islamic interpretation of Afghanistan's Taliban government. In Pakistan, even the most ardent supporters of the Taliban form of Islamization do not subscribe to such benchmarks. What is of concern is the visible and perniciously growing prominence of strict Islamic codes, possibly unsubstantiated by correct interpretation of the source, defying the implementation of human and individual rights both of the majority and minority

population, ardently pursued by the civil societies.

What then are the 110 religious political parties and groups propounding as the correct Islamic government and society for Pakistan? Its anybody's guess. Each has a different strain of interpretation and each holds onto the dogma as the only correct right path. Perhaps it

rights concepts that may ensue are to be incorporated in the document. There would be no legal, social or moral; redress for the grievance of the individual or minority group living in Pakistan, yet wishing to practice a social life style prejudicial to the ulema documented code of conduct. He may have the right to seek asylum elsewhere, but as

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would be sensible move to have all the religious political parties and groups cloister themselves, like a jury, for as long as it takes, to arrive at a unanimous code of Islamic Governance and social conduct for Pakistan. That sanctified document can then be presented to the people of Pakistan for acceptance.— Not as the late general Zia-ul-Huq had done but as an enlightened programme for the people of the Islamic Republic of Pakistan.

Any incompatibilities with the individual freedom and human

long as he lives in Pakistan, he will be constrained to follow the approved Islamic constitution. As Allama Iqbal once interpreted, Ijtihad should stand for the decisions of the parliament. This would hold true in an Islamic sense only if all the members of the assembly were learned scholars of the Holy Quran, the Sunnah and Islamic jurisprudence. A motley collection of under-educated feudal and technocrats or politicians in an assembly would definitely not qualify for such an Ijtihad.

finality

Therefore the suggestion that all the religious parties and group devise a document of consensus as the basis by which the Islamic state of Pakistan should be governed.

It is said that the Islamic system carries within it the highest norms of justice irrespective of the much publicized horrendous concepts of decapitation, mutilation, stoning and lashing as punishment for heinous crimes. The underlying concept causes justice to prevail and rights of the individual and society protected albeit within reason. So, the civil societies should have no fear that the enforcement of this document of Consensus in Pakistan would drastically reduce the modern concepts of individual freedom.

The Islamic political parties and groups could not have insurmountable difficulties among themselves as many political parties do because their professed manifestos, so their chances of all the religious parties arriving at a document of consensus should not be that difficult and time consuming. After all they each wish to implement Islam in Pakistan, don't they? Furthermore unlike negotiations among political parties in a democracy wherein compromise is an essential element to work together as a coalition, religious parties will be spared this ordeal in view of the fact that the clear dictions of the Holy Quran and Sunnah do not lend themselves

to compromises. It is not for the 76 per cent illiterate Muslims or the 0.02 per cent of the secular societies of Pakistan to draft and finalize this 'instrument of finality'. The burden lies on the elite of the ulema of the religious parties and groups to do so.

That all encompassing Code of Conduct will of course contain everything and I mean every aspect of social, political, economic and religious issues derived naturally from the holiest incontrovertible sources of ultimate knowledge. A document that leaves no room for any further friction, or dispute among the religious parties as to what constitutes the right code of conduct, of justice or solution to a problem of the individual or ummah. That the Islamic assemblies will have no controversies about design and implementation of rules or regulations, of policies and plans relating to whatever matter at any time.

The energies of the religious-political parties are being frittered away in unproductive, unnecessary confrontation with factions within Pakistan and abroad. By untimely resort to internal violence at the cost of lives and by individual group actions that do not subscribe to authority since they lie outside the realm of ijihad. Perhaps this is all by design.

A devil's method sprung from the minds of the anti-Islamic world — West, to forestall the emergence of that grand unani-

mously approved document for a true Islamic society in Pakistan. The top leaders of all the religious parties and groups must surely see the writing on the wall and take immediate steps to harness the potential of their combined Islamic prowess and knowledge to create and have implemented that Instrument of Finality for the progress and welfare of Pakistan (and perhaps as a beacon for the rest of the erring Muslim world), rather than fall victim to the nefarious design of powers plotting against them.

Failure to devise such a concept-clear compendium particularly given the fact that the confusion-free, error-less, timeless and controversy-free Sources are available, will declare the inability and incompetence of the religious parties and groups. Such a failure on their part to combine, cooperate and create the required document of final arbitration for Pakistan's governance in a given time frame must then relegate their functions as teachers of gentle religion abdicating their claim to rule this country and acquiescing to the imperfection governance of modern secular democracy.

The people of Pakistan will at least then discover the direction they must take to survive into the future. As a democratic Islamic Republic wherein citizens practice their religion of Islam within the constraints of Modern Social Democracy or as an Islamic State following the Instrument of Finality designed by complete unanimity of all the ulema and willing to face the challenge of confrontation with the rest of the world professing different values for global unity.