

**THE INTERNATIONAL SEMINAR ON THE ADMINISTRATION OF ISLAMIC LAWS**

IKIM, KUALA LUMPUR, 23 JULY 1996

I would like to thank the Institute of Islamic Understanding for the honour to address this International Seminar on a subject of utmost importance to the Muslim ummah and the stability and development of Muslim countries. No society can prosper or even exist without some capability to administer justice. The greater the sophistication in the administration of justice, the greater will be the level of development possible. It is therefore in the interest of Muslim countries to take this matter seriously. When Islam brought ideas of justice and its application to the Jahiliah community, they became united and they prospered. When later Islamic laws and justice became distorted, Islamic civilisation regressed.

2. Before I go on, let me quote to you several verses from the Quran so that in our discourse we may be guided by them. These verses are from many which consistently carry the same spirit of Islamic justice. I have chosen them simply because they are typical and they reflect the ideals which permeate the concept of justice in Islam and its application.

3. Of necessity I have to give the English translation by Yusof Ali: The Arabic text and Malay translations are available for anyone to check against Yusof Ali's translation.

Surah Al-Mulk, Verse 12 "As for those who fear their Lord unseen, for them is forgiveness and a great reward."

Surah An-Nisaa, Verse 58 "Allah doth command you to render back to your Trusts to those to whom they are due; And when ye judge between man and man, that ye judge with justice..."

Surah An-Nisaa, Verse 92

"Never should a believer kill a believer; but (if it so happens) by mistake, (compensation is due): If one so kills a believer, it is ordained that he should free a believing slave, and pay compensation to the deceased's family, unless they remit it freely. If the deceased belong to a people at war with you, and he was a believer, the freeing of a believing slave (is enough). If he belonged to a people with whom you have treaty of Mutual Alliance, compensation should be paid to his family, and a believing slave be freed. For those who find this beyond their means, a fast for two months running: by way of repentance to Allah, for Allah has all knowledge and all wisdom."

Surah Al Maa-idah, Verse 42 "(For those who are fond of) listening to falsehood, of devouring anything forbidden. If they do come to thee, either judge between them, or decline to interfere. If thou decline, they cannot hurt thee in the least. If thou judge, judge in equity between them. For Allah loveth those who judge in equity."

Surah Al-Israa, Verse 33 "Nor take life - which Allah has made sacred - except for just cause. And if anyone is slain wrongfully, we have given his heir authority (to demand qisas or to forgive) but let him not exceed bounds in the matter of taking life, for he is helped (by the Law)."

Surah Al-Baqarah, Verse 272 "It is not required of thee (O.Messenger) to set them on the right-path, but Allah sets on the right path whom He pleaseth. Whatever of good ye give benefits your own souls, and ye shall only do so seeking the 'face' of Allah. What ever good ye give shall be rendered back to you, and ye shall not be dealt with unjustly."

4. I would like to add here one particular verse which influences the interpretation of the verses of the Quran and that is Surah Ali Imran, Verse 7 which clarifies "It is He (Allah) who has sent down to you (Muhammad) the book (Quran). In it are verses that are entirely clear, and others not entirely clear".

5. Obviously the Muslim ummah are expected to apply the unclear verses to different situation using the faculty of thinking which Allah has endowed on Man and Man only. On the question of justice and what constitute justice the ummah has to think and think carefully.

6. I think we all subscribe to the view that the source of our Islamic faith and therefore our laws is the Al-Quran and the Hadith. I have to reiterate this because there are some who declare that some of the verses in the Quran, particularly the Meccan verses, have been revoked and have been superseded by Hadiths.

7. The Quran we believe has never been altered. On the other hand, Bukhori when examining reputedly 600,000 Hadiths, rejected most of them and accepted only about 7,000 as 'sahih'. Muslim, Tarmizi and others also rejected most of the Hadiths they examined. Those they accepted sometimes differed from those verified by Bukhori, Muslim's teacher. The number that each of these scholars of the Hadith verified is often less than that of Bukhori. We can conclude that even these scholars and acknowledged ulamas disagree over the verification of many of the Hadiths current during their lifetime. Obviously there were many false Hadiths. This is a

fact or why should they reject so very many of these so-called Hadiths.

8. We are inclined to accept the verification of these ulamas but it must be remembered that although they are very knowledgeable and learned in Islam, they are not prophets. They are ordinary human beings with all the strengths and weaknesses of humans. While they may be largely right and correct in their findings on the Hadiths, they may also be wrong. It may well be that they accepted some false Hadiths and they rejected some genuine ones. It is said that the ulamas' are the 'warith' of the Prophet. If so, can we accept just anyone who declares himself to be an ulama, as the 'warith' of the Prophet, whose pronouncements are infallible? Can we accept political ulamas with definite worldly agenda as infallible? And in history there had been many political ulamas who justified everything that their political masters did.

9. It is difficult to believe that Hadith can be so strong that when they contradict the Quran, we should accept the Hadith rather than the Quran.

10. But what about Islamic laws? Although in some instances the Quran mentions crimes, laws and punishment specifically, in most cases Islamic laws are the results of the interpretations of the Quran and Hadith by generations of Muslim jurists of both the specific as well as the general misdeeds and sins narrated in the Quran.

11. If Bukhori, Muslim and Tarmizi were mere humans and may be wrong, the chances of many Muslim jurists of the past being wrong are even greater. Most of them interpret in the context of their period which vary from the glorious days of the Muslim Empire to the years of decline. These jurists work under or during different Governments of different periods, countries and systems. Some may have been under pressure of the rulers of their times to justify royal deeds or proclivities. How else can they rule that it was permitted for the Sultan of Turkey to keep a harem of 300 concubines, or the murder of all the new Sultan's brothers upon his accession to the Othmaniah throne, or their virtual imprisonment in order to prevent any challenge to the Sultan's position?

12. Surely if we cannot accept all the Hadiths without verification, we cannot accept all the laws formulated by all Muslim jurists as inviolable, as the words of Allah almost. These laws are the work of ordinary humans with their fears and prejudices, influenced by the cultures and practices of the time.

13. We are always told that when we are lost in matters of religion we must return to the Quran. No true Muslim can do otherwise. If we don't return to that source, then we are going to be confused by the plethora of pronouncements and interpretations made by a host of ulamas, some of whom may be truly learned but certainly many may be charlatans. Indeed we see in our times the practice of politicians making interpretations and casually declaring other Muslims as infidels and non-believers simply because these people do not support their political parties or accept their politically motivated interpretations of Islam.

14. In the time of the Prophet Muhammad s.a.w., there was only one Islam. There were no Ahlil Sunnah Wal Jamaah or Syiah. There were no sects according to the various imams, Shafie, Hanafi, Hambali and Maliki as there are now among the Sunnis, and the various sects among the Syiah. There was only one Muslim ummah believing in one Muslim religion.

15. Islam under the guidance of the Prophet succeeded in uniting all the Arab tribes into one Muslim ummah. And as one Muslim ummah they succeeded in spreading Islam and in taking the whole of the Arabian Peninsular including Mekah.

16. Under Abu Bakar, Omar and Uthman there remained only one Muslim Ummah. But when Saidina Ali Radhiallah hu'anhu became the Khalifah, his authority was disputed and the Muslim split up into two. And this split resulted in two different interpretations of the beliefs and practice of Islam which have persisted to this day.

17. If there had been one Islam only during the time of the Prophet and now there are two, then it cannot be that both are absolutely right and in accord with the true teachings. Only one can be right and one wrong. Or it can be that both are wrong. But most probably both are right most of the time but both are wrong in some areas of beliefs and practices.

18. Here is all the more reason why we should return to the Al-Quran for guidance. Certainly in matters regarding Islamic laws and their application, we should at least check with the Quran as to whether the laws as interpreted and applied by the Muslim jurists through the centuries are in fact in accord with the teachings of the Al-Quran and the sahih Hadith.

19. Already I can feel that many here and elsewhere are concluding that this is heresy. But is it heretical to question the interpretation of the Islamic jurists? Are they prophets that we cannot question them even? Are they more correct than the Quran and the genuine Hadiths? We should not rush to condemn anyone who questions the correctness of the

interpretation by the jurist as an apostate, unIslamic and a heretic.

20. Even a casual scrutiny of some of the Muslim laws in the present form would show that they do not seem to reflect the spirit of Islam. In the verses that I have quoted and in many others found in the different surah of the Quran the most important aspect of Islamic justice is equity and forgiveness. Simply stated the judgement must be equitable i.e. equal between the crime and the punishment, equal between the individuals concerned, equal between ranks or positions; accepting differences in punishment only because of circumstances surrounding the crime. Beyond that the Quran enjoined forgiveness, mercy refraining from taking life which Islam regards as sacred.

21. These aspects of equity are contained in Verse 58 Surah An-Nisaa "And when you judge between man and man, you judge with justice" in Verse 42, Surah Al Maa-idah "If thou judge, judge in equity between them". Clearly equity equals justice. When we talk of 'Man and Man' we mean humans, whether they be women or men. Judging between man and man does not mean excluding judging between man and woman or woman woman. They are all man in the sense of being members of the human race.

22. In Surah An-Nisaa, Verse 135 Allah enjoins, "Oh ye who believe! Stand out firmly for justice, as witnesses to Allah, even as against yourself, or your parents, or your kins, and whether it be (against) rich or poor, for Allah can best protect both. Follow not the lusts (of your hearts) lest ye swerve, and if ye distort (justice) or decline to do justice, verily Allah is well acquainted with all that you do."

23. Here Islam enjoins us not to discriminate when dispensing justice. Again in Surah Al Maa-idah, Verse 8, Muslims are enjoined to "stand out firmly for Allah, as witness to fair dealings, and let not the hatred of others to you to make you swerve to wrong and depart from justice. Be just, for that is next to piety:" It is clear that even those who hate you (your enemies) you may not depart from justice. And certainly there is no distinction made as to gender in the dispensing of justice.

24. "An eye for an eye". This has long been equated with Muslim justice. Clearly this is meant to indicate equity in punishment. But should it be taken literally or should it be taken metaphorically? Equity, yes, but does equity mean exact identity between crime and punishment?

25. In Surah An-Nisaa Verse 92 it is stated that "Never should a believer kill a believer, but (if it so happens) by mistake,

.... it is ordained that he should free a believing slave and pay compensation to the deceased family, unless they remit it freely. If the deceased belong to a people at war with you, and he is a believer, the freeing of a believing slave (is enough). If he belonged to a people with whom you have treaty of mutual alliance, compensation should be paid to his family, and a believing slave freed. For those who find this beyond their means (is prescribed) a fast for two months running: by way of repentance to Allah, for Allah has all knowledge and all wisdom."

26. This particular verse explains a lot about the Islamic concept of justice. An 'eye for an eye' may be equitable but the killing of a believer need not be punished by death for the killer under certain circumstances (as by mistake, or in war, or when there is a treaty of alliance). It is sufficient to free a believing slave, and/or to compensate the family, or when these are beyond the means, to fast for two months running.

27. The circumstances of the crime are taken into consideration. Thus mistakes, being enemies or being allied, influence the kind of punishment to be meted out. More than that the life of an enemy who is a believer is as sacred as that of other believers. Thus the punishment is the same - the freeing of a believing slave.

28. Life is precious as clearly indicated in Surah Al-Israa, verse 33 "Nor take life - which Allah has made sacred .... let him not exceed the bounds in the matter of taking life".

29. Clearly wars and the killings of Muslims by Muslims are not encouraged or are proscribed. Yet today Muslims go to war with each other or assassinate their Muslim enemies more frequently and with greater abandon than they do non-Muslims. We do not see anyone compensating in any way or fasting, since slaves are no longer available for freeing.

30. But forgiveness is encouraged if not specifically enjoined. Indeed in many verses forgiveness is stressed. Thus in this verse punishment may not be required if the family chose to remit freely. And in Surah Al-Mulk verse 12, Allah stated, "As for those who fear their Lord unseen, for them is forgiveness and a great reward."

31. The element of forgiveness and mercy is strong in Islam. Yet today in the formulation and enforcement of Muslim laws, the tendency is to be as harsh as possible. Mitigating circumstances are not often recognised and certainly the stress is on 'an eye for an eye'.

32. Thus when a woman kills in defence of her honour, the preferred punishment is death. That the woman concerned is a believer is ignored. The right of the family to forgive is also not respected. And in current Muslim laws as enforced in many Muslim countries the element of forgiveness is not reflected. Even when Allah Subhanahu wa Ta'ala can forgive, Muslim jurists will not do so.

33. Muslim laws have not been properly codified. The application of Muslim laws in many countries is casual and haphazard. The Quran and the verified Hadith do not deal with every crime. Indeed the nature of crimes at the time of the Prophet was far different from the crimes which plagued Muslim societies through the ages. Certainly in modern times new crimes are being committed which are not specifically mentioned in the Quran or the Hadiths. Commercial crimes, drug-related crimes, distribution and abuses, misrepresentations in the print and electronic media and numerous sophisticated ways of abuse of authority, cheating etc. are not specifically mentioned in the Quran or Hadith.

34. Laws could therefore be made to govern these so-called new crimes. The most important thing about such laws is that they are at least in conformity with the spirit and the values which permeate the administration of Islamic justice as in the cases illustrated in the Quran.

35. How the laws are formulated or codified and enforced is not as important as their conformity with the spirit and the injunctions as clearly illustrated in the various specific instances given in the Quran and those Hadiths which reflect the teachings in the Quran.

36. Thus a law cannot be regarded as Islamic only if it is formulated as Syariah laws. Other laws can also be Islamic if they do not transgress the principles and the spirit of the laws specifically mentioned in the Quran.

37. As we all know the Quran, like the other `Kitabs' of the peoples of the Book, teach through parables. They are anecdotal and serve as examples. It is left to the Muslims to structure their lives and their society and societal rules, regulations and laws to be reflective of the interpretation of these parables. Circumstances may change but the parables and the other examples can generally be related to the particular episode or instance in any age.

38. As has been pointed out through the ages, Muslim jurists have interpreted the Quran and the Hadith and indicated or suggested the way Islamic laws should be formulated and applied. Naturally these Muslim jurists were influenced by the

stage and the circumstances in the evolution of Muslim society. There were periods of glory when Muslims ruled vast continents, made up the majority of the inhabitants or by their conquests, their prowess and superior knowledge and skills dominated societies in which they formed a privileged minority. Under such circumstances the Muslims were in a position to impose whatever it was that they considered to be laws in accordance with Islam. The non-Muslims in these countries had no choice but to submit. Thus if they had to pay a head tax where the Muslims paid zakat, they accepted this imposition. Similarly if they were not required to do military duty they submitted. On the other hand at a different period the sons of non-Muslims were inducted into the army at a young age. The non-Muslims accepted this too.

39. But those days of glory and power are over. Today even in countries where Muslims form a majority or make up the entire population they cannot ignore opinions, pressures and powers outside their countries. The mores of the times are such that many practices which were once regarded as normal or morally and ethically correct are now totally rejected and condemned. Thus slavery is universally abhorred. Even in their own countries Muslims cannot keep slaves. This poses the question as to how they are supposed to atone for killing a fellow Muslim by releasing a believing slave. But it must always be remembered that Allah Subhanahu wa Ta'ala has already provided alternatives. When you do not have slaves you can always fast.

40. Then there are countries where Muslims have lost control over the Government or where they have migrated to and form a minority. The Muslim laws as formulated by past Muslim jurists simply cannot be enforced by them. They have instead to submit to the laws of the country which are not at all of Islamic origin and may in fact be against the teachings of Islam.

41. But if the basis of Muslim laws and their administration is the Quran, there can be no real difficulty. The Quran allows for alternatives. Thus if a Muslim cannot release a believing slave, he can always fast for a prescribed period. He can always pay compensation in other forms. The law can always punish by other means, by specific fines or jail term. Nowhere in the Quran or the verified Hadith are alternatives absolutely forbidden.

42. When a Muslim lives as a minority in a foreign country, then he may not enforce Quranic laws or those formulated by Muslim jurists elsewhere or in the past. In all things the Quran is flexible. Circumstances have to be taken into account. Thus if one cannot pray in the normal prescribed manner one can always do away with the prescribed rituals. If one is not able to fast for certain acceptable reasons one

need not to. One is urged to use the power of persuasion (preaching) if one cannot employ force.

43. Throughout the Quran and most of the verified Hadith flexibility is evident. The religion of Islam is not an imposition on its followers. It is not to be a burden on them, to force them to do what they manifestly cannot do. Yet Muslims do things they can avoid; killing other Muslims for example, but fail to do what they can do, like forgiveness.

44. But Muslim jurists of the past tended to give rigid interpretations of the Quran and formulated rather harsh laws which seldom take into consideration the circumstances of the crime, the criminal or the ability to enforce. Some of these laws are most probably wrong in terms of the principle of Islamic justice. Thus a Muslim family living in a foreign land killed a daughter because she had apparently committed adultery with a non-Muslim, thinking and believing that it was their Islamic duty. As far as the local authorities were concerned murder was committed. It is even disputable that the killing of a daughter for such a sin, without any trial by a qualified judge, is in accord with Muslim law or Islamic justice. It is probably more old Arab culture than Islamic injunction. But the family believed that what they did was to carry out the teachings of Islam. No forgiveness, no mercy, no consideration for the circumstance prevailing in a foreign country with a culture totally different from Islamic culture. To them rigidity indicates submission and piety in Islam. Nothing else mattered. More likely they were responding to the Jahiliah concept of family honour and shame.

45. There is a tendency to insist that the concept of justice in Islam is different from justice as perceived by non-Muslims, in particular the dominant Europeans. Certainly in modern times especially, the concept of justice in the West tends to differ very much from that of universal justice and that of Islam. Thus in the past adultery was considered a crime in Western society. Today it is acceptable and widely practised and no one is punished by the state for committing adultery. The most that can happen is a divorce. But Islam still perceives adultery as a sin and a crime. Society will punish and not just the couple concerned.

46. In the past the universal punishment for murder was death for the murderer. Today in the West the death penalty is considered as inhuman. In Muslim society murder is still punishable by the death penalty, a sort of 'an eye for an eye' principle in terms of punishment.

47. But apart from these differences in the principle of what constitutes justice, the ideas of right and wrong and

punishment for crimes in Islam differ very little from those of other faiths and societies. If it is evidently unjust, it is considered as unjust by Muslims as it is by non-Muslims. To aver that although it may seem unjust in the eyes of non-Muslims, that it is still just because Islam is different, is to make a mockery of justice. For Islam is an eminently just religion and justice is so frequently stressed in the Quran that it is impossible to think that any gross injustice would be permitted by Islam.

48. Thus in Malaysia where there are Muslims and non-Muslims the idea of applying certain questionable interpretations of Huddud Laws would be repugnant for the obvious injustice that it would cause. Merely because such laws can result in injustice is sufficient for concluding that these interpretation of Huddud is wrong. To insist that the laws formulated by the Muslim jurists are more important than the upholding of justice as enjoined by the Quran seems to be totally against all the principles of faith in Islam. Fanaticism and a 'holier than thou' attitude is not faith. They are a manifestation of 'nafsu' or lust, of giving in to base instincts.

49. In the case of Huddud laws as proposed by certain parties, the Muslims of Malaysia would be punished more harshly than non-Muslims, resulting in inequity, which is against the Islamic principle of equity in justice. Thus if these laws are applied a gang of Muslim and non-Muslim thieves stealing at the same time will result in the Muslim having their hands amputated while the non-Muslim fellow criminals would probably serve a short jail sentence. By no stretch of imagination can this be considered as equity or justice. Indeed it would amount to gross injustice, and therefore un-Islamic.

50. A woman who has been raped and is unable to produce four witnesses for it would not be able to have the rapist punished even if she knows who he is. On the other hand if she were to give birth to a child as a result, she would be guilty of 'zinnah' and could be punished by stoning to death. By no stretch of imagination can this be considered as justice.

51. In these two examples and in many others, Muslim jurists insist that justice is done and that Muslim must accept this verdict of the jurists. They insist that Muslim perception of justice is different from those of others. Even if it is manifestly unjust, it is just because it is Islamic. And Muslim must not question. They ignore that while Muslims may not question the Quran or the true Hadith, nowhere are Muslim forbidden from questioning the pronouncement of Muslim jurists who are as human as other Muslims.

52. What is said to be Islamic justice is nothing more than what some Muslim jurists in the past interpret as justice. The Quran does not specifically prescribe this in all and every situation. Certainly not in a multi-racial and multi-religious situation. If the punishment for the Jews of Madinah was harsh, e.g. stoning for adultery, it was because that was the punishment prescribed by the Hebrew religion.

53. What the Quran and the verified Hadith emphasise is justice. Islam lays a premium on justice and abhors injustice and inequity. What needs to be upheld in Islam is justice and justice all the time. If a particular punishment is clearly unjust, it is wrong to say that although it may appear unjust, but actually it is just in the eyes of Islam. Therefore it must not be questioned by Muslims. To question it, is to display a lack of faith, and to be un-Islamic to the point of becoming an apostate or a heretic. Muslims are expected to condemn those Muslims who do not accept unquestioningly these perception of justice as interpreted by Muslim jurists. They, the jurists, have been elevated to infallible people, with the same status as the prophet. Even when they go against the Quran and the verified Hadiths, their interpretation and pronouncements must be accepted and the Quran and Hadith rejected. The result is an image of Islam so intolerant, extreme and unjust that it is almost certain that if the prophet were to preach such an Islam there would not have been any converts at all and that Islam would not spread. It was the gentleness, fairness and justice of Islam that contrasted so much with the injustice of the Jahiliah community which attracted followers in Mecca and Madinah. While the Jahiliah approved of female infanticide and unlimited wives and cohabitation with female slaves, Islam forbade infanticide and limited the number of wives to four. It is not surprising that many in Mecca and Madinah foresook idol-worshipping in order to accept Islam. But today it would be hard to convince non-Muslims to accept Islam if the kind of justice as proposed under the so-called Huddud Laws are in fact applied.

54. Islamic Laws must above all be clearly equitable and just. Fanatical adherence to the formulations of laws by Muslim jurists of the past is only justified if the end result is justice, not hidden justice but clear and unequivocal justice. If these laws result in obvious injustice then they must be reviewed. The reviewers must go back to the Quran and the verified Hadith. All the flexibility inferred by the Quran must be exploited, particularly in the quest for justice. For justice is the basis for Islam and all its teachings.

55. If we accept that in Islam justice is of paramount importance, then the next thing that Muslims must consider is due process. The processes of the law are not rigid in Islam.

Indications as to the manner of its administration are given in 'unclear' ways both in the Quran and the Hadith. Very often the prophet himself was the judge. But there is nothing in the Quran or the Hadith to forbid standardisation of the procedures for the better administration of justice.

56. In certain Muslim countries the administration of the law can only be described as casual and haphazard. In one case a magistrate found a foreigner guilty when his car was knocked from behind by a car driven by a national of that country, because, so declared the magistrate, the accident would not have occurred if the foreigner had not been in the country. Many foreign drivers involved in accidents in certain Muslim countries found themselves thrown into the police lock-up irrespective of the causes of the accident. If they did not know someone with influence they are likely to languish there for quite sometime.

57. Procedures for trials are not clear. In some cases the magistrate listens to the police officer about the crime and then asked the accused to explain. Based on the words of the two and sometimes after reference to unspecified religious books, the verdict and the sentence is pronounced. The procedures in other courts may be completely different. No specific laws are quoted although some vague reference to the Quran or the Hadith may be made.

58. In Malaysia procedures in a syariah court are fairly well standardised. Elements of the practices in other courts have been incorporated in those of the syariah courts. Lawyers are given a role to argue for the defendant. Usually the officers of the courts are qualified. Verdicts and sentences are usually fairly uniform except when different states have different ideas about what constitutes Islamic justice. A substantial portion of the syariah laws have been codified.

59. If Islamic laws are to be implemented, the interpretation of justice and punishment, and formulation of procedures must be examined carefully. It is important to go back to the Quran and the verified Hadiths. It is important to note that Islam accepts circumstances as influencing the implementation of the laws and of justice. The changes in modern times which have resulted in newer perceptions of what constitute justice in new crimes and new social problems cannot be ignored. It is clear that the administration of justice during the time of the Prophet was in accord with the mores of the time. The administration in the age of information, computers and the science of evidence cannot be the same. We and our judges are not prophets but we can always refer to the Quran and the verified Hadiths and then use our faculty for thinking.

60. The Quran is specific on some matters but many of the ayats or verses are not specific. The Quran states this very clearly in Surah Ali Imran as quoted before. If something is not specifically forbidden then it can be allowed as long as it is still in conformity with the Quran. Modern Muslims must be prepared to interpret again the Quran and the Hadith even as the old jurists were in fact prepared to interpret and to make pronouncements on their own. Their interpretations cannot be taken as infallible and final. Only when Islam is interpreted so as to be relevant in a world which is so different from what it was 1400 years ago can Islam be regarded as a religion for all ages. If we say that only by returning to the conditions prevailing 1400 years ago can we practise Islam then we are saying that Islam is not for all times. But we know that Islam is for all ages. As it is for all ages, then it must be practised in the context of these ages. And Islam in this modern age must be relevant to this age.

61. The administration of Islamic law is a serious matter. The people who are entrusted to interpret Islamic laws must not act alone without consultation. While those who know Arabic and have studied extensively the Quran, the Hadith and other kitabs may know all about what are in these books, their knowledge of the social and scientific facts may be deficient. It is necessary that people who are 'alim' in non-religious subjects be consulted as well. Certainly on matters of procedure, legally qualified people should be brought in. Only when all the various experts are found and consulted, can Islamic law be administered in order to ensure justice. Even then it is important to remember that as mere humans they may be still wrong. But like the Muslim jurists of old they are striving, honestly, to follow the teachings of Islam. Future Muslim jurists may still find them erroneous and change the interpretations of those which are not pure articles of faith, with which we may not question. We believe in Allah and Muhammad as his Messenger. La Illah ha Illallah, Muhammadu Rasulullah.