

Reflections

Pakistan and South-East Asia: Some Personal Recollections

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Abstract: *The idea of a separate state for the Muslims of the Indian sub-continent first emerged during the thirties. One of the most prominent persons associated with this idea was Chaudhary Rahmat Ali, who coined the name of "Pakistan" for such a state. This movement involved not only the students from the Indian sub-continent, but also from other Muslim-majority areas like the then Malaya. This relationship continued with profound social and intellectual benefits for the sub-continent as well as for South-East Asia.*

England and particularly Cambridge and London in the 1930's had a significant part to play in nurturing the future leaders of countries in South and South-East Asia, and bringing them together for mutual discussion and guidance. If I may begin with Malaysia first, we had at that time as students Tunku Abdul Rahman, who later became the first Prime Minister of Malaysia, Suffian bin Mohamad Hashim, who later became the Lord President of the Supreme Court, and Mohd Ismail bin Ali who later became the Governor of the Central Bank. I was lucky to be with them and to be able to know them and work with them. At that time Rupert Emerson's book *Malaysia: A Study in Direct and Indirect Rule* had then just come out and it helped us in our dream for a new independent Malay state. We formed the Malay Students Society and had many discussions on the future of our country.

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There were also at that time a number of students from the Indian sub-continent, and I made friends with many of them, including Ishtiaq Hussain Qureshi, who was from St. Stephen's College, Delhi, and Muid Khan from Hyderabad. We met together from time to time for *Jum'ah* prayers and for discussions. It was there that I was introduced to the idea of Pakistan, mainly through Ishtiaq Hussain Qureshi. He introduced me to Chaudhary Rahmat Ali, although I did not know him very well as he was then very busy with his Pakistan National Movement. Chaudhary Rahmat Ali obtained his M.A. and LL.B. from Cambridge, and for a time was in legal practice in England. But he became interested in political history and forsook the legal field and founded the Pakistan National Movement in 1933. He himself said "I first dedicated my life to the cause of the faith, the fraternity and the Fatherland and then drafted the declaration *Now or Never*, which embodied the first part of my Pak plan—I demanded the recognition of our distinct nationhood in Pakistan and urged the creation of a Federation of Pakistan as separate from the Federation of India." It was in this declaration that he first used the name *Pakistan*. As he explained "*Pakistan* is both a Persian and an Urdu word. It is composed of letters taken from the names of our homelands that is, Punjab, Afghan Province (North West Frontier Province), Kashmir, Iran, Sind and Baluchistan," and it means the land of the *Pāk*, spiritually pure and clean.¹

In his statement in the Supreme Council of the Pakistan National Movement in 1940 he said, "The menace of Indianism has corrupted Islam spiritually and morally. It has depressed the Muslims politically and economically. It has deprived the Muslims of national sovereignty and reduced them to a minority community."²

Ishtiaq Hussain Qureshi was my close friend in Cambridge. He and a number of us used to meet to discuss the possibility of improving the life of the Muslims in India and their cultural and political future. In our meetings we used to read the writings of Iqbal, particularly his *Reconstruction of Religious Thought* and his poems. Iqbal also referred to the need for a Muslim homeland. In his presidential address to the Muslim League's annual session at Allahabad in 1930 Iqbal said:

The various caste-units and religious units in India have shown no inclination to lose their individualism in a larger whole. Each group is intensely jealous of its separate existence. The formation of the kind of moral consciousness which constitutes the essence of a nation is not possible in India. If the principle that the Muslims are entitled

to full and free development on the lines of their own culture and traditions in their own Indian homeland is recognised as the basis of a permanent communal settlement, they will be ready to stake their all for the freedom of India....The Muslim demand for the creation of a Muslim India within India is therefore perfectly justified....Personally I would go further—I would like to see the Punjab, North-West Frontier Province, Sind and Baluchistan, amalgamated into a single state. Self-government within the British Empire or without the British Empire, the formation of a consolidated North-West Indian Muslim State appears to be the final destiny of the Muslims, at least of North-West India.³

In the course of his speech, on the occasion, Sir Mohammed Iqbal described himself as a man who was not despaired of Islam as a living force for freeing the outlook of man from its geographical limitations, who believed that religion is a power of the utmost importance in the life of individuals as well as states, and finally who believed that Islam is itself Destiny and will not suffer a destiny. He stressed that Islam, regarded as an ethical ideal plus a kind of polity—as a social structure regulated by a legal system and animated by a specific ethical ideal—has been the chief formative factor in the life-history of the Muslims of India, and he therefore said that the only basis of a permanent communal settlement in India was the adoption of the principle that the Indian Muslim should be entitled to full and free development on the lines of his own culture and tradition in his own Indian home-lands. He further said:

The life of Islam as a cultural force in this country depends on its centralization in a specified territory. This centralization of the most living portion of the Muslims of India, will eventually solve the problem of India as well as of Asia. It will intensify their sense of responsibility and deepen their patriotic feeling. Thus, possessing full opportunity of development within the body-politic of India, the North-West Indian Muslims will prove the best defenders of India against a foreign invasion, be that invasion one of ideas or of bayonets.⁴

In his speech, Sir Mohammed Iqbal disposed of two common fallacies. Firstly, that the principle that each group is entitled to free development on its own lines is inspired by a feeling of narrow communalism and is a danger to inter-communal harmony. He said, “A community which is inspired by feelings of ill will towards other

communities is low and ignoble. I entertain the highest respect for the customs, laws, religious and social institutions of other communities. Nay it is my duty, according to the teaching of the Qur'ān even to defend their places of worship, if need be."⁵ The second fallacy is the fear that the creation of autonomous Muslim states will mean the introduction of a kind of religious rule in such states. Iqbal said, "The truth is that Islam is not a church. It is a state conceived as a contractual organism and animated by an ethical ideal which regards man not as an earth-rooted creature, defined by this or that portion of the earth, but as a spiritual being understood in terms of a social mechanism and possessing rights and duties as a living factor in that mechanism."⁶ In conclusion Mohammed Iqbal said:

I cannot but impress upon you that the present crisis in the history of India demands complete organisation and unity of will and purpose in the Muslim community, both in your own interest as a community and in the interest of India as a whole. The political bondage of India has been and is a source of infinite misery to the whole of Asia. It has suppressed the spirit of the East and wholly deprived her of that joy of self-expression which once made her the creator of a great and glorious culture. We have a duty towards India where we are destined to live and die. We have a duty towards Asia, especially Muslim Asia. And since seventy millions of Muslims in a single country constitute a far more valuable asset to Islam than all the countries of Muslim Asia put together, we must look at the Indian problem not only from our Muslim point of view but also from the standpoint of the Indian Muslim as such.⁷

Those who know and sympathise in the ideals of Pakistan will recognise in these words of Iqbal the essence of Pakistan. At that time the scheme was looked upon as a political curiosity—as the idealistic dream of a thinker and a poet who had little contact, it was thought, with the world of realities, although Iqbal himself warned, "Do not think that the problem I am indicating is a purely theoretical one. It is a very living and practical problem calculated to affect the very fabric of Islam as a system of life and conduct."⁸

It needed however the genius and organizing ability of the late Quaid-i-Azam Mohammed Ali Jinnah to bring Pakistan into the world of reality. It was his forceful leadership which succeeded in binding the hitherto scattered forces of the Muslims into a single solid political body in order to employ to the full their energies for the goal set before them—which was the achievement of Pakistan. Although Jinnah began

his political career as a champion of Hindu-Muslim unity he later realised that there could be no unity between them. He became convinced by experience that the Muslims were a separate nation with its own distinctive culture and civilization, language and literature, art and architecture, names and nomenclature, sense of values and proportion, legal laws and moral codes, customs and calendar, history and traditions, aptitudes and ambitions, in short its own distinctive outlook on life, and that the Hindus and the Muslims could not be united under a common political system as they were two separate nations. Mohammed Ali Jinnah took over the leadership of the Muslim League in 1937. In the meetings of the All-India Muslim League from 1937-1939, he stressed the necessity of unity and determination of purpose for the Muslims.

In September 1939 the Working Committee of the Muslim League under the leadership of Mohammed Ali Jinnah declared that Muslim India was irrevocably opposed to any federal objective "which must necessarily result in a majority community (i.e. the Hindu) ruling under the guise of a democracy and parliamentary system of government. Such a constitution is totally unsuited to the genius of the peoples of this country which is composed of various nationalities and does not constitute a national state."⁹ Finally these ideas crystallised in the resolution passed by the All-India Muslim League at Lahore in March 1940: "That it was their considered view that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles namely that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern Zones of India should be grouped to constitute 'independent states' in which the constituent units shall be autonomous and sovereign."¹⁰

From 1940 to 1947 the Muslim League under the leadership of Mohammed Ali Jinnah fought against tremendous odds for the attainment of their object. *Alhamdulillah*, through the leadership of Mohammed Ali Jinnah and the unity, faith and discipline inculcated in the Muslims by him, Pakistan became an accomplished fact on the 14th of August 1947 and the Muslims of Pakistan obtained a state where they could live and breathe as free men and which they could develop according to their lights and culture, and where the principles of Islamic social justice could find free play.

The ideals of Pakistan as envisaged by Sir Mohammed Iqbal and as fought for by Mohammed Ali Jinnah are now embodied in the "Objectives Resolution" which was adopted by the Pakistan Constituent Assembly on March 7 1949. The Resolution was moved by the Honourable Mr. Liaquat Ali Khan, Prime Minister of Pakistan, and is as follows:

In the name of Allah, the Beneficent, the Merciful:

Whereas Sovereignty over the entire universe belongs to God Almighty alone and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust;

This Constituent Assembly representing the people of Pakistan resolves to frame a Constitution for the sovereign independent State of Pakistan;

Wherein the State shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in their individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Qur'ān and the Sunnah;

Wherein adequate provision shall be made for the minorities to freely profess and practise their religions and develop their cultures;

Whereby the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed;

Wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law; social, economic and political justice; and freedom of thought, expression, belief, faith, worship and association; subject to law and public morality;

Wherein the independence of the judiciary shall be fully secured;

Wherein the integrity of the territories of the Federation, its independence, and all its rights including its sovereign rights on land, sea and air shall be safeguarded;

So that the people of Pakistan may prosper and attain their rightful and honoured place among the nations of the world and make their full contribution towards international peace and progress and

happiness of humanity.¹¹

Thus nineteen years after Sir Mohammed Iqbal laid down the ideals of a Muslim State, the Muslims of Pakistan have laid the foundation of their Muslim State and of its future constitution.

In my speech "Pakistan Zindabad" delivered at a public meeting at the Jalan Besar Stadium in Singapore to celebrate the 2nd Anniversary of Pakistan on the 14th of August 1949 I said:

Both at home and abroad the new State of Pakistan has upheld the ideals of Islam. The leaders of Pakistan have striven to improve the standard of living of the people and to raise the status of all depressed classes. It is not in theory only that the leaders of Pakistan have assured to the minorities the right to profess and practise their religions and develop their cultures and to provide for the legitimate interests of minorities and the backward and depressed classes. Visitors to Pakistan have been impressed by the tolerance and friendship extended by the Muslims to their non-Muslim fellow citizens. It is not in theory only that the State of Pakistan is being developed on the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam. All efforts are being made to establish the *Shari'ah* and to spread the knowledge of Muslim culture in Pakistan. The outlook of the Muslims have been emancipated from alien influences and from the habit of judging the teachings of Islam according to the standards of other civilizations. They have learnt to rely on the intrinsic value of the Islamic principles of life as enunciated in the Holy Qur'ān and in the *Sunnah*.

In her first two years of existence Pakistan has established herself not only among her own peoples but in the hearts and thoughts of all Muslims. Thinking Muslims all over the world are watching the progress of Pakistan with pride—their prayers are that Pakistan will succeed for the success of Pakistan would bring glory not only to the leaders and peoples of Pakistan but will also prove to the world the practical value and the living force of the Islamic principles of politics, economics and social justice.¹²

In the same speech, I reminded the leaders and peoples of Pakistan that they have a great future, and a great responsibility and if in the midst of the struggle, any of them or any of their Muslim supporters should falter and forget the high mission of Pakistan, the words of Mohammed Iqbal in the speech he gave at the Allahabad session of the All-India Muslim League in 1930, should serve as a reminder:

One lesson I have learnt from the history of the Muslims. At critical moments in their history it is Islam that has saved the Muslims and not vice versa. If today you focus your vision on Islam and seek inspiration from the ever vitalising idea embodied in it, you will be only reassembling your scattered forces, regaining your lost integrity, and thereby saving yourself from total destruction. One of the profoundest verses in the Holy Qur'ān teaches us that the birth and rebirth of the whole of humanity is like the birth of a single individual. Why cannot you who, as a people, can well claim to be the first practical exponents of this superb conception of humanity live and move and have your being as a single individual? I do not wish to mystify anybody when I say that things in India are not what they appear to be. The meaning of this, however, will dawn upon you when you have achieved a real collective ego to look at them. In the words of the Qur'ān 'Hold fast to yourself; no one who erreth can hurt you, provided you are well guided' (5: 104).¹³

When I returned to Singapore in 1941 I had to a certain extent imbibed the teachings of Iqbal and had learnt to appreciate the ideas of Pakistan. The leaders of Pakistan have made it clear that the achievement of Pakistan was not an end in itself but the means to an end—that is the establishment of a state where the Muslims can live and where they can develop according to the teachings of Islam. I also came under the influence of a renowned Islamic preacher from Pakistan—that is Maulana Mohamad Abdul Aleem Siddiqui. He was a frequent visitor to Singapore in his travels to spread the teachings of Islam and for a time I acted as his Secretary to help him in his programme of lectures and to record his speeches as dictated by him. It was through his influence and guidance that I became the editor of a number of Islamic magazines in Singapore, *Genuine Islam* and the *Muslim World*, and began myself to write on Islam. I may mention that Maulana Abdul Aleem Siddiqui, among other things, advocated the setting up of a Muslim college in Malaysia in a speech later published in the Singapore journal *Muslim World* and his appeal was taken up by some of the Arab, Indian and Malay merchants in Singapore and Malaysia, with the result that the Muslim College was set up in Klang, Selangor. The germ of the idea of an International Islamic University was planted in Singapore but of course it was through the efforts of Dr. Mahathir Mohamad that it came into being.

I found when I returned to Singapore that the prevailing law that was followed, was based on the English law. There were *Kathis*¹³ with a very limited jurisdiction but appeals from the *Kathis* went to the

English Registrar, usually the Commissioner of Lands. My involvement as Junior Counsel in the Maria Hertogh Case, showed me the unfairness and sometimes the anti-Islamic bias of the English law. I began to agitate with a few of my friends especially in the All Malaysia Muslim Missionary Society founded by Maulana Abdul Aleem Siddiqui to improve the administration of the Islamic law in Singapore. For a time when I was a Member of the Legislative Council I spoke on the need to have a *Shari'ah* Court to administer the Islamic law of marriage and divorce. As a member of the Muslim Advisory Board I helped to draft an Administration of Muslim Law Bill but as there was slow progress I decided to join the Government Legal Service and was able to have the Bill brought to Parliament and approved. In drafting the Administration of Muslim Law Bill many provisions were borrowed from the Islamic Family Law Ordinance of Pakistan. Thus Singapore came to have a properly organized *Shari'ah* Court system, even before Malaysia.

As State Advocate General of Singapore I was the leader of the official team from Singapore to negotiate the terms for its entry to Malaysia—my friendship with my fellow students from Malaysia in England helped a great deal. When Singapore decided to leave Malaysia I decided also to come to Malaysia and I was lucky to be offered the chair in law at the University of Malaya. Malaysia too had come under the influence of English law and the *Kathi's* Court which administered the Islamic Family Law was put in a subordinate position. Here again I joined the various Committees set up to improve the administration of the Islamic law. I became a member of the Badan Perunding Islam whose Chairman was Dato' Seri Anwar Ibrahim, and I was also appointed the Chairman of the Technical Committee to improve the administration of the Islamic law and to remove conflicts with the Islamic law in the civil law. We now have *Shari'ah* Courts and it is provided that the Civil Courts shall have no jurisdiction in any case where the *Shari'ah* Court has jurisdiction.¹⁴ Some success has been achieved but more needs to be done.

This effort to improve the position of the *Shari'ah* Courts has spread to ASEAN. With the help of a few friends in Indonesia and the Philippines we founded the South-East Asia Shariah Law Association and this has led to the introduction of a better system of the administration of the Islamic law in Indonesia, the Philippines and in Brunei, so that the Muslims in those countries have also been able to follow the Islamic way of life and law which they can develop according to the teachings of Islam. I am thankful to Allah that I have

been able in this way to spread the ideas of Pakistan in South-East Asia.

Notes

1. Chaudhary Rahmat Ali, *Now or Never* (Cambridge, 1933).
2. Chaudhary Rahmat Ali, *The Miller and the Menace of Indianism* (Cambridge, 1940).
3. *Speeches and Statements of Iqbal*, ed., Shamloo (Lahore: al-Manār Academy, 1948), 11-12.
4. *Ibid.*, 7-13.
5. *Ibid.*, 11.
6. *Ibid.*, 14.
7. *Ibid.*, 35.
8. *Ibid.*
9. I.H. Qureshi, *The Struggle for Pakistan* (Karachi: University of Karachi Press, 1969), 124.
10. *Ibid.*, 129.
11. The "Objectives Resolution" is incorporated in the Constitution of Pakistan.
12. *Muslim World* (Singapore), 10 August 1949.
13. *Speeches and Statements of Iqbal*, 35-36.
14. The Malay term for *qādī*.
15. *Federal Constitution Malaysia*, Article 121 (1A).