“Which One You Prefer To Be The Law Of Society?”

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I know this question seems to be very complicated to answer, could be I have thrown you in to confusion. Don’t know why but few days back my head was struck by this issue, when I found law is being used as a weapon of government, also have heard some odd news that Bangladesh nowadays enforces some laws which happens to challenge the Holy Quran. Strange to hear, people cry for justice where as today you break and create the law reasons, which has no ends although you have never realized today’s law cannot support any of your reason. Since laws are being promulgated through reason. And the divine law itself is the one, which has been promulgated through reasons. I concur that its good enough to make the constitution as supreme law, but that doesn’t mean you can change the law that has been promulgated through reason. How can you challenge the Holy Quran one of the source of law. Now what I think is, instead of creating separate laws and making the procedure too complicated what if a Muslim country follows the Divine law The Law of Almighty Allah. That’s what is my question to all of you “Which one you prefer to be the law of society, the Man-made law or the Natural law”. For a committee or an assembly to be empowered to draft the law of society is both invalid and undemocratic. It is also invalid and undemocratic for the law of society to be abrogated or amended by individual, a committee, or an assembly. No doubt, we believe that the natural law of any society is grounded in either tradition (custom) or religion don’t you agree with me? So, any other attempt to draft law outside these two sources is invalid and illogical what I think. Also we believe that it’s a part of divine law, which is revealed through the reason of man. A person to govern their affairs and relation applies it. It was found that Law happens to represents the other problem, parallel to that of the instrument of government, which has not been resolved yet, what do you think about the constitution a positive law, constitutions cannot be considered as the law of society, but why is this so... because a constitution is fundamentally found to be a (man-made law) i.e. positive law, and lacks the natural source from which it must derive its justification. The problem of freedom in the modern age is that constitutions have become the law of societies. These constitutions are based solely on the premises of the instruments of autocratic rule prevailing in the world today, ranging from the individual to the party. Proof of this is the differences existing in various constitutions, although human freedom is one and the same. The reason for the differences is the variation in the assumptions and values implicit in diverse instruments of government. This is how freedom becomes weak under contemporary forms of government. The method by which a specific modality of government seeks to dominate the people is contained in the constitution. The people are compelled to accept it by virtue of the laws derived from that constitution, which is the product of the tendencies
within particular instruments of governments.

The laws of the dictatorial instruments of government have replaced the natural laws, i.e., positive law has replaced natural law. Consequently, ethical standards have become confused. The human being is essentially, physically and emotionally, the same everywhere. Because of this fact, natural laws are applicable to all. However, constitutions as conventional laws do not observe human beings equally. This view has no justification, except for the fact that it reflects the will of the instrument of government, be it an individual, an assembly, a class or a party. That is why constitutions change when an alteration in the instruments of government takes place, indicating that a constitution is not natural law but reflects the drive of the instrument of government to serve its own purpose. The abrogation of natural laws from human societies and their replacement by conventional laws is the fundamental danger that threatens freedom. Any ruling system must be made subservient to natural laws, not the reverse. The fundamental law of society must not be subject to historical drafting or composition. Its importance lies in being the decisive criterion in light of which truth and falsehood, right and wrong, and individual rights and duties can be judged. Freedom is in jeopardy unless society sticks to a sacred law with established rules that are not subject to alteration or change by any instrument of government. It is rather, responsibility of the instrument of government to stick on to the laws of society. Unfortunately, people in all over the world are currently ruled by man-made laws that can be changed or abrogated, depending upon the struggle for power among competing forms of government. The law of society is an eternal human heritage that does not belong only to the living. Therefore, drafting a constitution or conducting a plebiscite on it is a mockery. The catalogues of man-made laws emanating from man-made constitutions are fraught with physical penalties directed against human beings, while tradition contains few such measures. Tradition lays down moral, non-physical penalties that conform to the intrinsic nature of humanity. Religion contains tradition and absorbs it; and tradition is a manifestation of the natural life of people. Its teachings comprise basic social guidelines and answers to the fundamental questions of existence.

Most physical penalties are deferred to a future judgment. This is the most appropriate law affording due respect to the human being. Religion contains tradition, and tradition is an expression of the natural life of the people. Therefore, religion is an affirmation of natural laws, which are discerned therein. Laws that are not premised on religion and tradition are merely an invention by man to be used against his fellow man. Consequently, such laws are invalid because they do not originate from the natural source of tradition and religion.

I am sure all of us know and we none of us lack this knowledge “that humans are the superior creature of all other creations”. Man can control his own destiny to a large extent but he is subject to certain basic impulses, which are the impulses to reproduce the
species and rear children, and the impulses to prove and take such decisions as are necessary for the attainment of higher and better things. Remember always the primary precept of law is that good should be done and pursued and evil to be avoided and on this you will find all the other precepts of law, by reflecting your own impulses and nature you can decide what is good for you. I won’t agree a law always to be a strict command, a sanction, a notion of order a duty when it does not consists of any means of achieving ends, would you call it to be a law, when the law happens to be just an instrument with no ends? Every thing around us which exists definitely follows the divine law I mean the natural law, existence of law is truly within the nature of God, look at those tinniest atoms and the heavenly bodies and question yourself why is the sun, a heavenly body in a constant position and the earth and the moon revolving in its orbit around the sun. Have you ever seen the clusters of star or the formation of galaxy? Or try at least to spend half of your time in thinking why couldn’t Lord keep the earth stable and the sun to revolve? If He had done so, today the world wouldn’t attain its equilibrium and would have fallen in to an implausible destruction long back. Just knock this questions in your mind that’s all, you will certainly find the definition of law. He commands the seed, which is sown under the earth “you will not grow till you have been nourished”, this is what is already set by the Almighty Allah. All this has been done so that we realize law existed since the existence of the world and if I am not wrong, all the unbelievable scenery we observe around us has defined the law earlier, truly “He is the law maker, and nothing is beyond his knowledge”, all His signs represent law, even the secret code. In that case do you think this species have no ends, yes they do have what is it? The equilibrium on the earth this is what is their ends, they have no freedom of choice they are bound to obey, but we do have the power to think, and freedom of choice, identify the wrong and right path do good and eschew evil is the only end in this world. Understanding the concept of law defined by Kelsen, Austin, Salmond and by all other famous founder, I found the “law to be a set of rules sorted and given by the Sovereign which is to be pursued and maintained by both the living and non living beings just to keep the world in balance.” Now your question is “human’s, a sense of balance”? Take a simple example of your daily life, you wake up early at 5 than have your breakfast at 8 and at 9 you go to university and so on, in every new day maintaining this itself brings equilibrium in your life, this is what is law in stern sense the rules and regulation given by the Sovereign. Although all this matters were dealt with in different periods of history, but the problem still persists today. There is no key to the question ….. “which one you prefer to be the law of society?”

Now, what is your answer, if its Man-made law then my opinion would be it should be subservient to the natural law i.e. the divine law?