The Qur'ānic Covenantal Framework: A Moral Compass for Muslims

Ahmer Bilal Soofi*

The *'Qur'ānic* Covenant Framework' forms a foundational theme in the entire concept of right and wrong in our earthly existence. The Qur'ān persistently touches upon the divine covenants (*mīthāq*) made between Allah and humanity as a whole. These covenants are binding pledges, often associated with the acceptance of divine guidance and human responsibility to uphold truth and justice. For example, the Qur'ān narrates the Covenant of *Alast* (*al-Aʿrāf: 172*), where all souls testified to the Lordship of Allah. It affirms a deep metaphysical bond between human beings and their Creator. The Qur'ān critiques those who break these covenants. It connects such actions with spiritual decline and social corruption. Hence, the *Qur'ānic* Covenant Framework serves both as a theological construct and as a remarkable moral compass for the community of present-day Muslims.

Numerous personal covenants that believers directly have with their Lord can be identified in the legal architecture of the *Qur'ān*. Above all, contemporary Muslims need to realise this architecture of covenants in the present (here and now), rather than as a frozen relic from 1400 years ago. Muslims need to see all their daily agreements and international treaties in the lens of the *Qur'ānic 'uqūd* (عقود), and *mīthāq*, and uphold them by all means. This *Qur'ānic* covenantal framework also covers all the legislative covenants of today. In fact, every law of the land is a social contract between the individual and the state. All these laws are covered in the definitions of the words *mīthāq* and *'uqūd*. In essence, it is very convenient for a Muslim to realise this commonality, and to uphold the laws of his country as an integral element of his faith. It is an obligation on every Muslim to uphold all his commitments and contracts that come under the *Qur'ānic* definition of *mīthāq*, whether in the public or the private domain.

Since honouring contracts holds a central place in the *Qur'ānic* worldview, the Beloved Prophet ﷺ also urged believers to uphold their

* Ex-Caretaker Law Minister of Pakistan.

covenants. The Chosen One ﷺ himself was not only the law giver but also an international law practitioner, because he negotiated, drafted and executed treaties. He took advantage of treaties as legal instruments and used them as a means of creating influence or *ghalba*, which is an idea much romanticised by modern-day Muslims. As Muslims, the Sunnah we must follow is not only to exert influence through the use of force wherever appropriate under the law of the land, but also through the visionary negotiation of international treaties. Unfortunately, the Prophet's Sunnah of negotiating treaties has been side-lined by Muslim communities and we do not participate in international global negotiation exercises.

We must realize that, today, the forums of consultation or *shūrā*, that the Qur'ān so strongly emphasizes, have developed from the Madrasa and the Mosque into modern-day forums like parliaments, the UN General Assembly, the UN Security Council, the UNESCAP (United Nations Economic and Social Commission for Asia and the Pacific), etc. All these forums are in fact today's venues of *shūrā* or consultation. The UN's yearly calendar of events is, to be precise, a list of various venues of *shūrā* at an international level. Accordingly, Muslim communities and states should fully participate in these activities. Through effective mutual cooperation, Muslim countries should present a unified and proactive stance on such forums. Drawing guidance from the Sunnah of the Exalted Prophet ﷺ, Muslims should excel in the art of treaty negotiation.

Muslims should remain mindful that their daily dealings—in trade and civic life—are fundamentally governed by contractual responsibilities. Every transaction, be it a purchase order or a sale agreement, involves parties entering into binding covenants. Each of these covenants carries legal and moral weight, as emphasized in the *Qur'ānic* Covenantal Framework. The *Qur'ānic* guidance is clear regarding the conduct of Muslim entrepreneurs. It demands excellence in seeking *fadl*. In fact, one aspect of this excellence is tied up with the human being's claim of being the caliph or vicegerent of Almighty Allah. This claim elevates man to the status of the noblest among all of Allah's creation. How can one substantiate this claim? The answer is: by excelling in the role one is entrusted with in this world. This can be the role of a business

person, an agriculturist, a scientist, or a lawyer. As a true vicegerent on earth, one must live up to and uphold the trust placed in him by his Creator. Muslims thus have a charter to follow, be that in any sphere of life. Under this charter, Muslims must uphold, with integrity, the regulatory and licensing standards of their respective professions.

Our team has recently been working on an article themed 'the iron ring of the Qur'ān'. This theme draws similarities with a Canadian engineering tradition. In this tradition, engineering graduates receive a steel ring as a symbolic reminder of their duty to uphold the professional and ethical standards of their field. The Qur'ān's iron ring serves as a powerful reminder that we are divinely instructed to uphold the highest standards in our professions: as manufacturers, engineers, doctors, and lawyers. Our professional licenses define the ethical and technical benchmarks by which our work must be measured. Thus, all Muslim professionals need to recognise and feel the invisible iron ring of the Qur'ān, which will urge them on to upholding the standards of their respective works and trades accordingly.

Our team has also been working on another *Qur'ānic* concept: *ma'rūf* (well-known, customary, recognized, approved). In the Islamic context, *ma'rūf* refers to that which is good, decent, morally right, and socially acceptable. For example, there was a *ma'rūf* method of property transactions in the *Ḥijāz* 1400 years ago. At that time, it was considered *ma'rūf* for someone to hand over a bag of *ashrafīs* to a seller and take possession of a piece of land. Today, the *ma'rūf* method of the transfer of property is defined by modern legal frameworks such as the Transfer of Property Act, the Registration Act, and the Stamp Act. Thus, local legislation has provided a definition of, and a procedure for, *ma'rūf* practices. Muslims need to identify those laws and statutes that define *ma'rūf*: what is good and bad, acceptable and unacceptable. In most cases, the sin of yesterday is the criminal offence of today. For instance, if you look at the Penal Code of Pakistan, it serves as a list of over 500 offences. What are they? All these offences were familiar wrongs well before the Penal Code came into existence. They were viewed as sins: no one should hurt another, no one should abuse another, no one should kill another, no one should commit fraud. Today, those same acts—which were

traditionally viewed as sins—are now listed down as criminal breaches of trust. Additionally, there are now more sophisticated wrongs like money laundering, human smuggling, illegal wildlife trade and terrorism.

Wherever and as far as possible, we need to find synergies between the *Qur'ānic* framework and the laws of the land. This idea is sometimes objected to. Why should we obey colonial laws that were written down by the Englishman? Law handed down to us by the colonial powers may not be Islamic and, hence, we are not obliged to obey it. This, in fact, is also the narrative espoused by violent non-state actors. What we need to do is to situate the modern framework of law within the *Qur'ānic* framework.

For instance, take the word Tayyab—just one phrase of the Qur'ān. The entire transparency framework of the United Nations Convention on Corruption, which is a multi-lateral treaty, encapsulates how transparency has to be ensured in various process of the governments. The convention is actually a *tafsīr* of the word *tayyab*. Citizens need to realize that if they are fulfilling the law, they are at the same time upholding their covenant with Allah.

Likewise, ordinary people need to be told that they must follow the law of the land, as long as it is not inconsistent with Qur'ān and Sunnah. What is in fact needed is an actualisation of a further step: a declaration that the laws of the land are in conformity with the Qur'ān and Sunnah. Then, one will comply with the law with one's deeper intent, drawn from the compliance's link with sacred sources, knowing full well that that compliance will bring him dividends in the hereafter as well.

Now consider the *Qur'ānic* and Prophetic concept of *a'māl-i sālih*: a wonder phrase that means 'good deeds'. Two or three hundred years ago, good deeds were viewed within the framework of morality and ethics. Today, morality and ethics have been codified not only in domestic legislation but also in multi-lateral treaties and conventions. For instance, in its housing guidelines, a government development department obligates citizens to leave 10 feet for the sunlight, ventilation, and privacy of their neighbours when constructing their own houses. This is exactly in keeping with what the Qur'ān asserts are the rights of one's neighbours. When citizens come to realise that the developmental department's regulations

are rooted in the covenantal framework of the Qur'ān, they will be more inclined to comply willingly and act as responsible citizens.

From another angle, a law abiding citizen reflects the qualities of a *muttaqī*: someone who possesses clear awareness of what is right and what must be avoided. The concept of a *muttaqī* can be compared with the legal construct of the 'reasonable person' found in English case law, a hypothetical figure created by the judgments of superior courts in cases involving negligence or criminal liability. This hypothetical individual represents an ideal standard of behaviour. In legal proceedings, the actions of an accused person are often assessed against this imagined standard, and the question posed is: how would a reasonable person have acted under the same circumstances? Similarly, the *muttaqī* in the *Qur'ānic* framework is one who consistently knows what should be done and what should be avoided. Thus, the reasonable person is a legal tool for external judgment. The concept of a *muttaqī* is in fact a mirror image of the concept of a reasonable person. Today, if a young man or a young student is told to be a *muttaqī*, he will start scratching his head. But if he is told to become a 'reasonable person,' he will understand more easily.

Likewise, the legal structure of the state is in fact enacted through the *shūrā* doctrine. It guides towards the institution of the Caliphate. But people may choose a different framework. Again, it is a mandate given by the Qur'ān itself. For instance, people may choose to go for the presidential system of government. They may choose for a less democratic sovereign authority. They may reject the parliamentary system. All these possibilities ought to be allowed as perfectly legitimate within the Islamic jurisprudence framework. Those who argue otherwise need to be rebutted. They need to be made aware that Islam allows for a variety of governance structures, provided they are founded on the popular will and support of the people. The structure of the state is deliberately left flexible, allowing it to adapt to the needs and circumstances of its time.

There's a concept called occupying field in constitutional studies. Sometimes the federal government occupies the field of legislation in certain areas and leaves the remaining areas unoccupied. Somewhat similarly, the *Qur'ān* has also occupied certain areas for legislation. The rest has been left to the people and the generations to follow. Those areas

that have been occupied by the *Qur'ān* are, among others, inheritance, marriage, contracts and punishments. The rest has been left to the people, because all people are deputies of Almighty Allah: deemed competent enough by the Creator to exercise delegated authority in the affairs of the world. Thus, the narrative that ought to be worked on is that the laws that exist in various countries creates a disciplinary framework to avoid disorder or *fasād*. Along with highlighting the covenant between God and man, the Qur'ān clearly asserts that the ones who prevent *fasād* and disorder are going to be rewarded far more than they imagine. Look at the scope of this covenant: a direct pact with Allah. Arbitration, adjudication of disputes, alternative dispute resolution mechanisms, are just some things that fall within this domain. If people internalize the sanctity of the commitments they make and recognise them as moral and religious obligations, many disputes that would otherwise escalate to the court system can be resolved well before that eventuality.

Consider the Vienna Convention on the Law of Treaties, which is only applicable to written agreements. In contrast, the *Qur'ānic* treaty law applies to oral commitments as well. This broader scope also increases the moral and legal liability for all parties involved. Somehow, this narrative has not been realized as much as it deserves to be. The upholding of commercial commitments is crucial for economic development. It is because of the significance of commercial commitments that the *Qur'ān* provides us with a tutorial on how to draft a contract. If Muslims honour their commitments, their economies will keep growing and improving. Amazingly, the United States' Constitution Article 1, Section 10, Clause 1 specifically says: no one can make laws in contravention of private contracts. It reflects how the constitutional foundation of one of the most powerful economic states in history is built upon the principle of upholding covenants. This is something that the *Qur'ān* tells us, and something that Muslims have completely overlooked today. Thus, the mandate of the *Qur'ān* is not confined to religious agreements. It runs deep into everyday commitments that individuals make with one another.

Today, if someone undertakes to write the Motor Vehicles Act or the Maritime Principles of Merchant Shipping Licensing in *Sharī'ah* law terms, he will end up drafting more or less the same legislative texts that

are already in force. Thus, while those who want to have a codified *Sharī'ah* law framework can continue working on it, in the meanwhile, what already exists has to be adopted. It has to be declared that it is not inconsistent with the *Qur'ān* and the Sunnah. This step will bring the *Qur'ān* into the everyday life of all Muslims, whether they are in Pakistan or in any other Muslim country. It was the mandate of the Council of Islamic Ideology to review all of Pakistan's laws. It was a huge task, comprising the review of over eight thousand federal statues and three and half thousand provincial statues.

Unfortunately, some people want to scrap all these laws and rewrite them. Attempts have already been made in a few areas of the law with less than ideal results. Every Muslim has a due regard for the codification of the *Sharī'ah* law exercise. However, at the same time, the inherent link of existing laws with Islamic notions of right and wrong needs to be appreciated. They reflect a long-standing historical consensus, based on what has been customarily upheld as the moral and social framework of all human communities. Most of these customary moral provisions meet the standards of the Qur'ān and the Sunnah. By viewing modern legislation in this way, Muslims can come to respect and uphold the framework of the rule of law at the local, regional, and global level.