

# *Islam and Muslims*

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**A Critical Reassessment**

**ASGHAR ALI ENGINEER**

*ISLAM AND MUSLIMS :*  
*A CRITICAL REASSESSMENT*

# Islam and Muslims : A Critical Reassessment

AUTHOR'S COPY

Asghar Ali Engineer

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## PREFACE

Here are some essays written from time to time on Islam, Islamic world and Indian Muslims. These papers, articles or essays were written either for seminars or academic and non-academic magazines. Though they were written on different occasions they have a running theme; in view of this some repetition is also unavoidable. I hope the readers would bear with me and tolerate a degree of unavoidable repetition.

Though I have written quite often on communalism—and it constitutes a major problem for Indian Muslims—I have excluded my writings on this subject from this collection as I propose to publish them separately. The essays included in this book deal with Islam, Islamic world and some major problems concerning Indian Muslims. I believe in radical interpretation of Islam and modernization of Islamic society. Without modernization and change Islam and muslims cannot keep pace with history.

It has often been argued that Islam cannot keep pace with history and militates against modernization and change. This is far from true and is unsound view of Islam. Those who have probed deeper and do not take static view of Islam know quite well that the value-structure of Islam, as against its doctrinal structure, demands continuous process of reinterpretation so as to ensure social justice in keeping with ever changing external circumstances. The value-structure of Islam would stand damaged if no serious attempt is made to reinterpret Islam and devise new institutions to ensure social justice in changed conditions. The institutions created by theologians in a tribal or feudal society cannot stand upto the test of industrial or post-industrial societies.

Also, the doctrinal structure evolved by the holy Quran is not as static as it appears to be. There is an element of dynamism which is integral to it. The Quranic concept of faith, it should be carefully noted, is rational, and not irrational. The Quran lays as much emphasis on *'aql* (reason) as on *iman* (faith). It is another matter that the medieval period theologians have tended to emphasise faith at the cost of reason. A modern interpreter will have to correct this imbalance by laying due emphasis on the role of reason in keeping with the Quranic spirit. It is also important to note that the Quran does not emphasise, like the Greek philosopher Plato (the doctrines of neo-Platonism swept the Islamic world in later centuries), speculative reason; it lays emphasis on practical and inductive reason. The scientist of the stature of Francis Bacon has acknowledged this.

The modern Muslim intellectuals must keep these things in mind if they wish Islam to play an effective role in modern industrial and technological society. Unfortunately, the past-oriented theologians have tended to dominate the Islamic world. The theologians are too metaphysical in their approach to appreciate the problems of this world. Moreover, they think that the Islamic traditions, developed during the medieval ages in societies which were not wholly Islamic in the Quranic sense can be transplanted lock, stock and barrel to the modern industrial societies. Such an attempt at unnatural transplantation is giving rise to various complex problems.

I have tried in various articles included in this book to reinterpret Islam in a way which would ensure the true spirit of its value-structure on one hand and, refashion parts of its doctrinal-structure in a way so as to ensure proper role of reason, on the other. However, I do not claim to be an authority. I consider my formulations as tentative. One can certainly come out with better and sounder formulations. I would consider myself fortunate if my tentative formulations provide some food for further thought on the subject.

I would also like to draw the attention of my readers, particularly, to the problem of the reformist Bohras. This community is passing through a period of great turmoil due to a prolonged fight for reform and change. The grip of priesthood on the community is too strong to be got rid of easily. The fight has

brought tremendous suffering to thousands of Bohra families. I have tried to analyse this problem in the two articles included in this collection. These articles would show how religion is being grossly misused by the Bohra clergy for its own well-entrenched interests. This struggle for reforms clearly shows that a powerful religious establishment can frustrate for long any attempt at reform and change. It is also interesting to note in this connection that the Bohra priesthood have fully exploited the parliamentary democracy for its own ends. The ruling politicians, for fear of loosing votes have either colluded with the priesthood or remained passive speculators expressing their helplessness. The case of change in Muslim Personal law is no different.

It is my fervent desire that the new generation of Muslims should not be content with mere rethinking defences of medieval Islam. It should rather boldly face the new problems thrown up by the modern society and rethink the doctrinal structure of Islam so as to make its value-structure more meaningful in a concrete sense.

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# PART I

## ISLAM AND THE ISLAMIC WORLD

1. Liberation Theology in Islam and the Islamic World
2. Islam and the Challenge of Poverty
3. Islam and Industrial Policy.
4. Islam and Nationalism.
5. Arabism and Pan-Islamism.
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7. Women and Administration in Islam.
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## LIBERATION THEOLOGY IN ISLAM AND THE ISLAMIC WORLD

Unlike Christianity, there has been no attempt so far to develop liberation theology in Islam. The trend of liberation theology in Christianity is strongest in Latin America, a poor, backward and exploited area where Catholic Christians predominate. The objective conditions, sharpness of struggle and closeness of Christian clergy to the exploited masses, have led to development of liberation theology. Despite the oil resources of a few countries in the Mid-East, the overwhelming population of other Muslim countries of Asia and Africa live in dire poverty and are industrially backward. Indonesia and Malaysia in the Far East to Egypt and the Sudan and Nigeria in Western Africa with Pakistan, Bangla Desh, Afghanistan, Iran and the South and North Yemen thrown in between, it is the same socio-economic scenario and exploitative squeeze by American imperialism as in Latin America.

All the Islamic countries happen to be in Asia and Africa with the exception of a small portion of the European part of Turkey. The total geographical area of the Islamic countries happen to be 26.46 million kilometers which is 19.6 percent of the area of the world. According to the U. N. figures of 1975, the population of the Islamic World is 5979 million. The average population growth rate during the period from 1960 to 1975 had been 3.08 per cent. The above population figure does not include the Muslim population of non-Muslim countries like India,

Soviet Union, China, Thailand, Philippines, Ceylone and similar other countries.

Thus, we see that the Muslims constitute a highly significant portion of the world population and most of them live in Asia and Africa, the two poor and underdeveloped continents of the world. It would not be out of place to mention the names of Muslim countries here. These countries are : Afghanistan, Algeria, Bahrain, Bangla Desh, Cameroon, Chad, Comore Island, Djbuti, Egypt, Gabon, Gambia, Guinea, Indonesia, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Malaysia, Maldives, Mali, Mauritania, Morocco, Niger, Oman, Pakistan, Palestine, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanzania, Tunisia, Turkey, Uganda, United Arab Emirates, Upper Volta, Yemen Arab Republic and Yemen People's Democratic Republic.

It would not be difficult to see that Islam is a predominant force in these countries in one way or the other. It is so much part of the lives of the Muslim masses that even in the countries with leftist centre regimes like Afghanistan, Algeria and Iraq and People's Democratic Republic of Yemen, Islam, both at official and non-official level, plays an important role. Unlike other socialist countries like the USSR and China atheism is not only not encouraged officially, it remains a prohibited doctrine in these leftist Islamic regimes. After the resurgence of what is rather inaptly called 'Islamic Fundamentalism', the left regimes in the above mentioned countries also had to give up their neutral attitude towards religion and tolerate on the quiet, if not encourage resurgence of Islam in their respective countries.

Thus, the Iraqi Baathist regime had to tighten, due to fear of Shi'ite rebellion on the pattern of Iran, the observance of Ramadan fast and outlaw both national lottery and horse racing and also to curb consumption of alcohol. Algeria, no doubt, absorbed the shock waves sent by the Iranian Islamic revolution more successfully, it has to, nevertheless, contend with growing Islamic opposition and has still not been able to promulgate the progressive family law which was framed some 18 years ago. Babrak Karmal in Afghanistan has to increasingly participate in religious functions in order to convince his people that his Government is not, as propagated by the counter-revolutionary

Mujahidin, anti-Islam, or even apathetic towards Islam. In Syria where the emphasis is on tolerance of religion, rather than encouraging it, fundamentalist opposition led by the Ikhwan al-Muslimin, is gathering some momentum although the present regime of Hafiz Asad is firmly in saddle.

Before we discuss other aspects of this problem, it would be worthwhile to briefly assess the role of religion in the developing societies. Religion as a force in these societies cannot be dismissed out of hand. The powerful vested interests are able to exploit religion precisely because religion has great deal of appeal among the masses of people and this fact cannot be whisked away by mere mechanical repetition of Marx's oft quoted sentence 'Religion is the opium of the people'. This amounts to presenting religion on platter to the vested interests who can exploit it for their own ends in view of its emotional appeal.

One must distinguish between sociological critique of religion which is the essence of Marxian critique of religion and philosophical critique which essentially deals with the question of how a person relates himself to the universe and what meaning he gives to his existence. The Marxian critique of religion is essentially a sociological critique, its philosophical aspect, in the sense of a person relating himself to the universe and finding meaning of his existence being left to the individual concerned. The history of *established religion* has often been a history of an alliance with powerful vested interests of the *status quo* and hence it often becomes inverted world-consciousness.

Thus, religion becomes, in Marx's words, a general theory of a world dominated by powerful vested interests. "Its encyclopaedic compandium, its logic in a popular form, its spiritual *point d'honneur*, its enthusiasm, its moral sanction, its solemn complement, its universal source of consolation and justification is the *fantastic realisation* of the human essence because the *human essence* has no true reality. The struggle against religion is, therefore indirectly a fight against *the world* of which religion is the spiritual *aroma*". Marx further makes it clear, "Religious distress is at the same time the *expression* of real distress and also the protest against real distress. Religion is the sigh of the oppressed creature, the heart of heartless world, just as it is the

spirit of spiritless conditions. It is the *opium* of the people." (All the emphases in the original).

Thus, it can be seen that Marxian criticism of religion is in sociological sense i. e. religion becomes opium of the people only if it allies itself with the powerful vested interests to perpetuate the 'spiritless conditions' and reduces itself merely as a 'sigh of the oppressed creature'. However, if religion or its leaders refuse to ally themselves with the vested interests and inspire the followers to fight against injustice and oppression and to change their conditions, religion would become a powerful revolutionary instrument of the masses rather than mere sigh of the oppressed, the heart of heartless world and perpetrator of the *status quo*.

It would thus be wrong to condemn religion *per se*. Christianity and Islam, due to the circumstances of their origin, do congenially lend themselves to revolutionary interpretations. Frederick Engels paid rich tributes to Thomas Munzer the German priest and a close colleague of Martin Luther who stood on the side of the oppressed peasantry in its fight against the princes of Germany. Thus, Engels says :

"Munzer set to work at once to organize the (peasant's) union. His sermons became still more militant and revolutionary. He thundered forth against the princes, the nobility and the patricians with a passion that equalled the fervour of his attacks upon the clergy. He depicted the prevailing oppression in fiery colours, and countered it with his dream vision of the millenium of social republican equality. He published one revolutionary pamphlet after another and sent emissaries in all directions, while personally organizing the union in Allstedt and its vicinity."

Engels further says :

"Munzer's political doctrine followed his revolutionary religious conceptions very closely, and just as his theology overstepped the current conceptions of his time, so his political doctrine went beyond the directly prevailing social and political conditions. Just as Munzer's religious philosophy approached atheism, so his political programme approached communism, and even on the eve of the February Revolution, there was more than one modern communist sect that had

not such a well-stocked theoretical arsenal as was 'Munzer's' in the sixteenth century."

Thus, it is very clear from above passages of Engels taken from "The Peasant War in Germany" that it is not religion *per se* to be condemned by the revolutionaries but its use for strengthening the *status quo* and its alliance with the vested interests. Religion, if helpful in transcending *status quo* and in changing the objective conditions of exploitation through revolution, as Munzer sought to do in sixteenth century Germany using his revolutionary sermons based on Bible, it is certainly a welcome move.

It is in this light that one has to view the role of religion in the third world today. Religion has firm grip over the masses and it has strong appeal among the middle classes as well as those who constitute the articulating classes in the society. It is also true that religion has so far allied itself with the vested interests in the society in almost all the third world countries. However, it need not necessarily be so in every case: The Islamic revolution of Iran is a case in point. Islam did play a revolutionary role in overthrowing the domination of the Shah and American imperialism. It is a different thing that it went sour later on as many revolutions do for variety of reasons. We will say more about it later.

We are primarily, concerned with liberation theology in Islam and the state of affairs in the Islamic world today. Islam, it must be noted, has great potentiality for developing liberation theology. It originated as a great challenge to the commercial interests of Mecca and soon became a harbinger of revolutionary change. The late Dr. Taha Husain, the eminent scholar of Egypt, maintained that the Prophet would not have faced powerful opposition from the tribal chiefs in Mecca had he not challenged their vested interests. The fight was not merely about the form of worship. It would be interesting to throw some light on the milieu in which Islam originated.

Mecca, the birth place of Islam, was a centre of international commerce at the time of its origin. There had emerged on the social scene of Mecca powerful merchants specialising in complex international financial operations and commercial transactions. Due to these developments the institution of private property which was absent in the tribal society began to consolidate itself.

The rich merchants who had formed inter-tribal corporations to carry on and monopolise trade with the regions of Byzantine empire, accumulated profits without distributing a part of it to the poor and needy of their tribes. This went against the tribal norms and caused social malaise in Mecca.

The Prophet felt the acute social tensions developing in the Meccan society due to the widening gap between the rich and poor and a violent conflict it could lead to, if these tensions were not resolved. He addressed himself to the powerful merchants of Mecca and exhorted them not to hoard their wealth but to take care of the poor, orphans, and the needy. The Meccan verses revealed to the Prophet to sharply condemn the practice of accumulation of wealth and warns the Meccan merchants of the dangerous consequences which will follow if they do not spend their wealth in way of Allah.

It is said in one of the Meccan verses :

(Woe unto) Who has gathered wealth and sedulously hoards  
it, thinking that their riches will render them immortal !  
By no means ! They shall be flung to the Destroying Flame.  
Would that you knew what the Destroying Flame is like !  
It is Allah's own kindled fire, which will rise upto the  
hearts of men.

It will close upon them from every side, in towering  
columns.

And again :

Worldly affluence has made you oblivious (of consequences)  
until you come to the graves.

But you shall know. You shall before long come to know.  
Indeed, if you knew the truth with certainty, you would  
see the fire of Hell : you would see it with your very eyes.

Then, on that day, you shall be questioned about your  
joys.

Thus, we see that in the verses quoted above hoarding of wealth and worldly affluence is condemned in no uncertain terms. Significantly, in the latter chapter it is said that preoccupation with affluence makes one oblivious of all the consequences until they meet their graves. It is further predicted that if they remain preoccupied with joys of life they would soon see hell fire (i.e. people's wrath who are deprived of their just and

legitimate share) and they would certainly be confronted with this wrath and then they will be questioned about their joys !

It was primarily for this reason that the powerful merchants of Mecca opposed the Prophet and became his sworn enemies. These were the vested interests the Prophet had to fight against in Mecca. First, the Meccan rich offered inducements to the Prophet if only he stopped preaching his egalitarian doctrine. The Prophet refused to compromise with the rich and so they began to severely persecute him. The Meccan rich who also commanded the leadership of the Society (there was no regular government or State machinery as such in Mecca at that time), like the rich in any other society, were not much perturbed with the religious doctrines preached by the Prophet. They were seriously concerned with the socio economic consequences of his teachings and the attack he launched on their wealth and privileges. The Koran attacked their power which was a result of concentration of wealth and monopoly of trade established by them.

Dr. Khalfallah also maintains that the power of these Meccan leaders was based on their wealth and number of children they had. The Koran, according to him, revealed to break the power of these forces in the society. The Koran made it clear to the people that such a power is of no consequence unless it stands to benefit the society. The only power which does not oppress others is that of God; any other power which opposes it (i. e. power of God) seeks to oppress and dominate others by acquiring all the sources of power (i. e. the material means). The goal of life should not be to acquire this power (by usurping the material means) but to render good deeds ('amal Sālih) leading to creation of a healthy and just society and welfare of all. The worldly power does not last and it is no use boasting over it (an unjust society based on usurpation of power and sources of wealth is imbalanced one and generates revolutionary forces led by the oppressed masses and is thus destroyed). The Koran also says that (unjust) power and wealth and justice cannot go together.

Those who joined the Prophet of Islam in the beginning of his struggle were, with certain exceptions, either the youth or the weaker sections of Meccan society. Like Bilal of Abyssinia, many slaves and other deprived sections of the Meccan society

joined the Prophet's mission as they saw the possibility of their liberation through his mission. It would be interesting to recall here the speech of Raif Khoury, a Christian Lebanese writer, about the early mission of Islam :

How often we have heard the call of the muezzin from the minarets of this eternal Arab city : Allaho Akbar ! Allaho Akbar ! How often we have read or been told that Bilal, the Abyssinian, was the first to make the air of the Arabian Peninsula ring with this call, at the time when the Prophet's mission was in its infancy, when he was enduring the persecutions after persecutions and the obloquy of stubborn conservatives. Bilal's call was a summon, a fanfare sounding the beginning of a struggle between an epoch which was drawing to an end and an age whose sun was just rising. But have you ever dwelt on what was linked to that call, on what it contained ? Do you remember, each time you hear the echo of that pristine call, that Allaho Akbar means, in plain language : punish the greedy usurers ! Tax those who accumulate profits ! Confiscate the possessions of the thieving monopolists ! Guarantee bread to the people ! Open the road of education and progress to women ! Destroy all the vermin who spread ignorance and division amongst the community (omma) ! Seek out science, even as far away as China (today's China, not just the China of the past). Let the stars of freedom of free counsel (sura) and of true democracy shine forth.

It can, thus, be seen that the Prophet initiated a process of profound change in the Arabian society which brought about a revolution threatening the powerful vested interests which had emerged on the Meccan scene. The Prophet of Islam was seriously concerned with the fate of the downtrodden in Mecca and this concern burst forth in the verses revealed during this period. Some of the terms often used in the Koran will have to be redefined while developing liberation theology in the light of this consideration. Islam naturally began as a religious movement and these terms, therefore, have acquired deep religious connotations. However, Islam, as pointed out above, was not only concerned with spiritual but also equally with this worldly side of life.

It took the project of establishing a just society here on earth quite seriously and repeatedly emphasised this approach.

The terms we are referring to will, therefore, have to be seen in a socio-economic perspective also. A liberation theology cannot confine these terms to their religious connotations only; they must be re-interpreted to bring out their socio-economic import. Islam gives a concept of society which is free of exploitation, oppression, domination and injustice in any form. Also, it emphasises progress and change in harmony with the laws of God, who is merciful and just. The God of the Koran, it must be remembered, is not only merciful but is also mighty and powerful. He approves of those oppressed avenging themselves ".....and vindicate themselves after they have been oppressed. Those who do oppress (others) will come to know by what a (great) reverse they will be overturned." The God also declares His sympathy in no uncertain terms in favour of the oppressed and the weak : "And we desired to show favour unto those who were oppressed in the earth, and to make them leaders of mankind and to make them the inheritors (of this earth)."

When the Koran categorically condemns oppression and injustice, its concern for the social health and egalitarian/social structure cannot be denied and hence the Koranic terms would have, apart from religious import, socio-economic connotations also. Thus, a condemnatory term like *kafir* would not only connote religious disbelief as is the case in traditional theology but would also imply obstruction in creation of a just and egalitarian society free of all forms of exploitation and oppression. Thus a *kafir* is one who does not believe in God and actively opposes with all his might an honest attempt to re-structure a society in order to eliminate concentration of wealth, exploitation and other forms of injustice.

*Kufr* (disbelief) would not be determined, as far as liberation theology is concerned, by mere formal denial of faith in God; one who formally professes faith in God but indulges in accumulation of wealth by exploiting others and goes in for conspicuous consumption while others starve in the neighbourhood would also commit *kufur* and thus incur the displeasure of God. The Koran says in one of the Meccan *surah* : "Have you observed him who belies religion ? It is he who turns away the orphan and does not urge others to feed the poor. Woe to those who pray but are

heedless in their prayer; who make a show of piety and obstruct the needy from necessities.”

Thus, it is clear that those who profess their faith in religion and make show of their piety but deprive the orphans and destitutes of their rights are not real believers. Thus, to be a believer or a true Muslim one has to act in a way to create a just society that takes care of the orphans, the destitutes and the needy. The medieval theologians emphasised giving of alms but a liberation theologian in a modern industrial society would interpret it to mean creation of a socialistic structure with emphasis on equal distribution of all available resources.

The Koran makes interesting observations about alms-giving which must be borne in mind to understand its real philosophy and sound approach. The God says in the Koran: “Believers, do not mar your almsgiving by reproach and injury, like those who spend their wealth for the sake of ostentation and believe neither in Allah nor in the Last Day. Such a man is like a rock covered with earth; a shower falls upon it and leaves it hard and bare. They shall gain nothing from their works.”

Thus the Koran recognises the human weakness that charity is often made for ostentation and the alms-giver often has a feeling of superiority which is manifested by reproach and injuring the feelings of those who approach him for alms. With the help of a beautiful simile the Koran makes it clear that such alms-giving defeats the very purpose and would not help create a stable society, a just system. Such a system would be wiped out with the first flush of anger of the masses. Such alms-giving would not at all benefit the almsgiver. As human experience shows most of the almsgiver fall into this category, almsgiving would not lead to creating a healthy social order. Mutual conflict and tension between the haves and have-nots would keep it unstable. The simile of rock used by the Koran makes it quite clear that such a society cannot develop firm roots.

The later verses also make it clear that such an almsgiving is not going to solve the problem. But giving away ones wealth to please Allah (i.e. agree to its just re-distribution) can only lead to better social relations and management of social tension. The Koran says: “But those that give away their wealth from a desire to please Allah and to reassure their own souls are like a garden

on a hill-side: if a shower falls upon it, it yields up twice its normal crop; and if no rain falls upon it, it is watered by the dew. Allah takes cognizance of all your actions." Thus this verse makes it clear that only when the wealthy give away their wealth to please Allah (i.e. to create proper social order by its redistribution) and not to give it by way of ostentation to the needy with a sense of obligation on him, can it lead to proper social order and increased production of wealth (twice its normal crop) as the needy and the poor, after their basic needs are satisfied, would work harder to multiply the social wealth.

The true Koranic spirit would make it necessary to devise new institutions other than mere almsgiving to ensure social justice in an industrial economy. Socialist concept and institutions come much nearer to this Koranic spirit. In a socialist economy distributive justice is as much important as production of wealth. According to the Koranic concept of justice it is producers who have the right of ownership over the wealth produced by them. It is very clearly stated in the Koran that no one shall bear the burden of others (i.e. no one shall work for others comforts and luxuries. It is clear denial of the right of extracting labour without fully compensating for it as is sanctioned by feudal or capitalist systems in one form or the other). The Koran also says that man shall get what he strives for. Both the above Koranic verses put together are clear enunciation of the principle of ownership of wealth based on ones labour. In other words, Islam does not recognise ownership based on exploitation of labour by way of appropriation of surplus labour or by way of speculation and future trading in commodities. It is in this spirit that speculation and future trading in commodities has been categorically banned in Islam. The liberation theology, needless to say, would give great emphasis on the principle of ownership based on labour or work—a principle which has been neglected by the medieval theology.

This brings us to the most important question of right of private property in Islam. The traditional theologies consider the institution of property as sacred and inviolable. An Islamic conference held in Mecca in 1976 opposed the concept of nationalization as against the teachings of Islam. It emphasised man's trusteeship of natural resources and of social and economic institutions

State intervention in their view should not extend beyond supervising the economic growth for realization of ideological objectives. However, taking the true spirit of Islam into account, 'ulama' are not justified in treating private property *per se* as sacred and inviolable. A property acquired by exploitation, speculation or any means other than by ones own labour cannot have any sanction in Islam.

There are clear traditions of the Prophet prohibiting share cropping or owning the land which is not cultivated by the owner himself. All the standard works on Hadith (traditions) i.e. *Muwatta'* of Imam Malik, *Sahih Bukhari*, *Sahih Muslim* etc. have included number of traditions of the Prophet against the land on share cropping or on rent. These traditions have been narrated by six companions of the Prophet who are considered highly reliable. According to a tradition in *Sahih Muslim* narrated by Jabir bin 'Abdallah "The Prophet said that one who possesses land should cultivate himself and if he is unable to do so he should give (that portion of the land or whole piece of land which he cannot cultivate) it to another Muslim (who wants to cultivate it) without taking any compensation."

Thus it would be seen that the right to property in Islam is certainly not absolute as is often believed. The right to property is subject to such conditions as would be amenable to creation of a just social order. Bani Sadr, the exiled President of Iran, in his book *Iqtisad-i-Tawhidi* has divided property into three categories : Malkiyat-i-Khusus, Malkiyat-i-Umumi and Mulkiyat-i-Zor i.e. private property based on ones labour, general property (belonging to nation and he includes means of production and similar other categories of properties under this category) and property acquired by speculation, swindling cheating etc. Islam, Bani Sadr makes it repeatedly clear, does not approve of ownership based on force but permits, subject to certain conditions, ownership based on work. Bani Sadr holds that the ownership in a capitalist society (jami' Sarmayadari) is based on force and is, therefore, un-Islamic. He maintains that in such a society (i.e. capitalist society) there is nothing like Malkiyat-i-Khusus (i.e. property based on work) but, on the contrary, everyone holds property in direct proportion to the force exercised by him. If one loses his force, one loses his property also.

It is also interesting to note that Bani Sadr interprets various verses of the Quran in a way which would strengthen his understanding of the Islamic teachings. According to him, *Kufr* (disbelief) means obstructing the creation of *jami'i Tawhidi* (i. e. a just society) and anyone who seeks to dominate and oppress the weak (establishing a socio-economic system based on *mal-kiyat-i-zor* is *kafir*, whatever his verbal professions of faith. Bani Sadr also maintains that it is evident from certain Koranic verses that the earth belongs to man (God, in these verses, addresses mankind and not a particular religious or racial group) and how man could be God's vice-germent effectively if the earth does not belong to them collectively during all periods. If the earth has to remain permanently under the control of mankind collectively how a few strong and powerful (*zormandan*) can be allowed to dominate it. Such an act is *kufr*. Beginning of *kufr*, Bani Sadr maintains, is beginning of domination by the strong of the weak. Such a formulation, in fact, should be treated as a central theme of liberation theology.

The other central concept of Islam is *tawhid* which, as far as traditional theology is concerned, means unity of Godhood. *Shirk* (i. e. associating others with Allah) has been strongly condemned by the Koran. The liberation theology, while accepting the concept of the unity of Godhood, strives to broaden the scope of *tawhid*. *Tawhid*, in liberation theology, implies not only unity of God but also unity of mankind in all respects. An Islamic society or *jami'i Tawhidi* does not approve of any form of discriminations whether based on race, religion, caste or class. A truly *tawhidi* society is one which ensures complete unity among mankind and for that it is necessary to create a classless society. Unity of Godhood must ensure complete unity of society and such a society cannot admit any division, not even class division. There cannot be true solidarity of the faithfuls unless all racial, national and socio-economic divisions are done away with. Thus, such a concept of *tawhid* acquires primary importance in developing liberation theology. Class divisions would imply domination of strong over the weak. Such a domination is a very denial of creation of a just society.

The Mujahidin-i-Iran, in a series of article on "How to Study the Qoran" have pertinently pointed out: "The age in

which we live can truly be said to be an age of revolution and ideological struggles. Mankind, through out its history of social kinesis and evolution, has never really been free from social struggle. And until the time when society has reached a truly consistent unity, given the existing domination of society by the class structure, there can be no escaping the need for struggle and revolution. By the same token, every progressive social struggle, in order to have an authentic basis and ultimate success, must be shaped within the context of sound theoretical guidelines to (for ?) praxis."

Further throwing light on the context in which the Koran must be studied, it is said :

"Confrontation with such an enemy (i.e. imperialism) and the pursuit of a successful struggle against it (a struggle which must be counted long and hard) requires methods which are equally subtle—approaches which must be based on a revolutionary point of view with respect to the phenomena of the world, and particularly, of society, as well as a scientific understanding of them. Such a viewpoint and understanding, in themselves, demand a revolutionary worldview, a school or thought and action which provides the most correct theories and guidelines for praxis regarding the process of social struggle; it must present the most correct and most revolutionary responses to the various human problems which are encountered. An inexhaustible dynamism on the long, hard road of revolutionary struggle keeps it moving along."

We have seen an outline of liberation theology spelled out above. It is now important to see whether any of the Islamic countries swearing by Islamic principles are guided by such a spirit. However, result is hardly inspiring. Marx has said in "On the Jewish Question" that one must distinguish between *religious attitude* to politics and *political attitude* to religion. It would not be difficult to establish that the rullers have adopted political attitude towards religion throughout the Islamic countries. Religion is being used, by these rulers, to strengthen the forces of *status quo*. Moreover, what is worse, the oil politics of the imperialist powers dominates the scene in the Mid-East today. The semifeudal regimes in most of these countries depend for their protection and survival on these imperialist powers.

Taking the case of Saudi Arabia which comes closest to orthodox Islamic regime in the formal sense, it is shocking to note that only in three years from 1980 to 1983 it has spent a whopping sum of US\$ 70 billion on purchasing most sophisticated armament from America and other western countries. And it is no less shocking that country's half the income is allocated to the construction of huge military complexes that have no future contributions to make the Saudi economy except to transform itself into freely available base for the US Rapid Deployment Force. Such huge expenditure on armaments and over-militarisation, needless to say, go to strengthen imperialist economy which in turn increases its strangulating and exploitative power. It is the very negation of the liberative thrust of Islamic theology.

Creative freedom and exploitation-free praxis is the very core of liberation. But the rulers of Islamic countries, in collaboration with the western imperialist powers, are strengthening the very structures of unfreedom in their respective societies. Saudi Arabia, despite all that it has been doing to strengthen American hold in the Middle-East, is not permitted freedom of action in respect of its own economy by Americans. According to a report from the correspondent of Crescent International from Riyadh "US resents Saudi plans for self-sufficiency" and that "In monetary policy, the US has tried to persuade Saudi Arabian Monetary Agency (SAMA) to finance the projected US 10 billion deficit for fiscal 1983/84 by borrowing rather than by running down the country's accumulated reserves." Several high level resignations have followed at SAMA as a result. The US is also not in favour of Saudi Arabia becoming independent [in agriculture. According to the same correspondent :

"In the sphere of agriculture expenditure on irrigation schemes and fertilizers has begun to bear fruit : production of basic commodities like wheat is increasing. However, US partners in the Saudi agribusiness programme have been alarmed by the Saudi desire for self-sufficiency. High-ranking officials from the US Department of Agriculture have visited Riyadh to 'assure' the Saudis of plentiful and cheap supplies of US wheat and to 'dissuade' them from their 'futile' bid for self-sufficiency via economically-produced wheat. Saudi agricultural planners cannot ignore this 'warning' as the

withdrawal of US agribusiness and personnel will bring the whole scheme to a halt.”

Even the orthodox Islam does not approve of the kind of consumerism promoted by the western capitalist countries, let alone the liberationist Islamic theology. But today which of the Islamic countries seriously combats strong consumerist trends. The shops in the Middle-East countries are stuffed with luxury goods imported from Western countries. This results not only in distortion of economy but corruption of simple way of life more congenial to freedom, peace and stability in the society. Even in the apparently affluent economy of Saudi Arabia there are pockets of poverty whereas the upper classes live in extreme luxury resulting in distortion of all fundamental values of Islam. The very concept of monarchy is alien to Islam and yet the Saudi regime, in order to maintain its monarchical hold, indulges both in corruption and coercion. It also finances liberally those orthodox religious parties and groups which strive to reinforce outer shell of formal religion around the rotten core of the society. *Ikhwan al-Muslimin* in various countries and the *Jamat-e-Islami* in Pakistan are some of such groups and parties.

It is not without significance that most of the Islamic countries while declaring enforcement of Islamic laws laid emphasis on certain penal measures like cutting off hands of thieves or stoning the adulterers to death as if the essence of Islam lay in these punishments. It is iniquitous social structure which is fundamentally responsible for perpetration of certain crimes like theft, murder and even adultery. Without transforming these social structures in keeping with the Islamic values of distributive justice and equality (not merely formal equality of opportunity but in the sense of equitable distribution of social wealth) these measures are totally unjustified.

As for the concept of social justice in Islam, the Grand Mufti of Oman, according to the ‘Oman Daily Observer’, said, (Islamic) system was one of mercy, goodness, construction and love and ensured the happiness of the individual as well as the society. The Islamic economic system, he added, was based on the fact that the capital used by the people was the capital offered by Allah (by implication it clearly means social ownership of capital). Hence people should know how they (rulers) spent

money which should be in accordance with the rules and regulations stipulated by God.

However, the accumulation of wealth in the hands of upper classes in most of the Muslim countries has resulted in total distortion of these Islamic economic values and is leading to multiplication of corruption and bribery in the society. While the masses at the base remain steeped in ignorance and poverty the elite at the top get thoroughly westernized (not modernised which at least leads to development of scientific outlook) with all its vices of consumerism, gambling, drinking and sex. This is precisely what is happening in most of the Islamic countries. The ruling elite tries to fight back reaction of the masses against these rampant vices of westernization by talking of imposing Islamic *Shari'at*. The current phenomenon of 'fundamentalist Islam' must be seen in this light. Islam imposed from above does not lead to genuine Islamization of society; it only leads to hypocritization of the ruling elite and a clever strategy to deceive the masses.

We see this kind of 'Islamization' at its worst in Pakistan. General Zia-Ul-Haq has abused Islam utmost to perpetuate his dictatorship in Pakistan. He also began by imposing 'Islamic punishment' to dupe the masses and for diverting people's attention from his gross violations of promises for holding elections. There is, absolutely, no place for military as an institution in an Islamic government and yet he intends to give permanent place to military in the future constitution he wants to frame. While he keeps on repeating, there is no place for western democracy in Islam (so that he does not have to hold elections on the basis of adult franchise), he has made Pakistan's economy as well as security completely subservient to American imperialism. Pakistan would be used as a base for the US RDF, in case there is 'trouble' in the Middle-East. It was not for nothing that American flags were burnt by the people in Sindh during the recent agitation launched by the MRD.

Under Zia total foreign loans have soared high from \$ 306 billion in 1970 to \$ 825 billion in 1981. In 1981 Zia got a loan of \$ 3.2 billion from America and \$ 107 million from the World Bank. The flow of armament to Pakistan from America is no secret. Anyone who cares for the thrush for justice in Islam would not mortgage country's interest to American imperialist interests in

this manner. The loans given to Pakistan by the USA were made subject to the condition that the government subsidies on essentials were reduced. Thus it is weaker sections of society who must pay for the imperialist generosity.

The talk of Islamization of Pakistani economy is another hoax. While talking of abolishing interest and retaining principle of profit within the capitalist frame-work, eminent economists have pointed out, leads to greater exploitation of the weaker sections in the society. This was indicated by the expert committee of economists appointed by no one else than Zia himself. The committee indicates in its report that as far as Islam is concerned '*adl ann Ahsan*' ( justice and benevolence ) are the key concepts. Unless justice and benevolence are insured to the masses, one can hardly claim to have Islamized the economy.

According to this committee "It is essential that the priority list of the element of Islamic reform be drawn up *with a view to minimizing the evils of the existing economic system*. For instance, a highly skewed distribution of income and wealth, high levels of open unemployment and disguised unemployment, socially unacceptable levels of literacy rates, allocative inefficiency, low level of business and public morality, etc. are major 'pollutants' of the economic environment in developing countries like Pakistan." (emphasis in the original).

It does not need deeper probe to establish that the Pakistani rulers are far from touching the real core of economic problem from the point of view of benefitting the weaker sections of the society. The allocative process works in favour of the rich, no effective steps are taken to bring down the high levels of unemployment or disguised unemployment, nor to infuse even minimum standards of morality in business matters although the holy Quran makes it very clear that one must be scrupulously honest as far as business transactions are concerned.

Imposition of Islamic system does not mean, as pointed out earlier, mere imposition of its penal code. The basic thing to Islamic system is distributive justice and protection of the interests of weaker sections of the society. All this can be done only when steps are taken to restructure the whole economic system and principle of profit is not treated as *sacrosanct* as it is being done today. The Committee, above referred to, clearly points

out in its recommendation of economic policy package :

“What at present passage for the grandiose title of Islamic Economics is nothing more than a smattering of broad and vague ideas about the introduction of *zakat* (poll tax) and the abolition of *riba* (interest) giving the impression that Islamic Economics can be reduced to just these two elements. Such a claim is false because no complete economic system such as Islam’s can be described merely in terms of one or two of its policy *instruments*. Furthermore, even if this could be done the real meaning of these two important elements or of the Islamic reform must be understood. It can easily be shown that Islamic rejection of *riba* (interest) is, in fact, a rejection of the entire capitalistic system which condones the exploitation of the poor by the rich to achieve high ratio of economic growth. The institution of *zakat* is really symptomatic of Islam’s highly egalitarian economic philosophy.”

It hardly needs to be argued that let alone the economy of Pakistan, no economy in any Islamic country stands upto this acid taste of social justice. There exists very high differential of incomes injurious to the spirit of Islam. The ruling elites, with the support of orthodox ‘Ulama’ hold property right to be far more sacrosanct than justice to the weaker sections of the society. Even the institution of *zakat* which ought to have been a powerful instrument of radical redistribution of social wealth, has been reduced to channeling doles to satisfy the vanity of the rich. It is not holding out property in trust but holding fast to it as of fundamental right which dominates the social scene.

Ahmed Ben Bella, the former President of Algeria said, in his keynote address at the International Conference on ‘Islam Today’ held on December 10–12 at Islamabad :

“There are 350 billion dollars invested or deposited in western banks – and most of them are Zionist ! Thus hemorrhage is finished off by what has become the annual spectacle of the invasion of the Western shops in America by Muslims ? Not to speak of gambling joints and places of perdition which abound there”.

Mr. Ben Bella ought to know that the very country in which he was making strident criticism of the Arab countries for their

investments in Zionist banks in America is one of the most subservients to it and, in fact, depends on it for its very survival. He also ought to know that where there is concentration of wealth in few hands, as in the oil rich countries of the Arabs, such things are bound to happen. One can hardly stop flood-tide of vices with mere moral exhortations made with whatever degree of indignation if immense riches are allowed in few hands in the name of sanctity of private property. The holy Quran had clearly warned against this specially in its Meccan verses. The holy Quran condemns very strongly the *nutrifin* (the rich) and *mustakbirin* (the powerful and arrogant). It also lays stress on the fact that the rich and powerful always ridiculed the message of God and it is poor and weak (*mustad'ifin*) who enthusiastically responded to the divine message. Thus, it is very clear who the Quranic sympathy lies with.

And yet we see that most of the 'Ulama', in the name of the dubious principle of the sanctity of property (which is certainly not fundamental to Islam ; what is more fundamental is social justice) continue to support the *status quo* which perpetrates exploitation and oppression. These Ulama who are ever ready to declare others *kafirs* (unfaithful) for minor violation of ritualistic aspects of Shari'at, become quite oblivious to gross exploitation of the poor and their misery. Let alone helping the process of conscientization, they declare anyone challenging the status quo in Islamic countries as enemies of Allah.

Ben Bella said in his above keynote address, "Intelligent and sincere use of these fabulous sums (deposited in Zionist banks), allied to the same sort of use of our oil and gas, of which there are immense reserves in the Islamic territories could change the face of the world. The utilization of our oil money in accordance with the spirit of Islam, in development projects, in Islamic countries, to counter the hunger which kills 50 million human beings, for policy which would assure a base for agriculture, wholesome food and drinkable water for the fight against tropical diseases which crush a quarter of humanity in the South for an effective educational system, for scientific research, for a technology which would facilitate the realization of our objectives, for the endless struggle against racism, colonialism, imperialism, for solidarity

among all those who struggle against these corruptions, Muslim or others, because the Law of God is one on earth.”

However, it is a very tall order indeed for Ben Bella, more than anyone else, should know the nature of regimes in most of the Islamic countries. Pakistan, Saudi Arabia and other gulf countries are totally subservient to those very forces against whom Mr. Bella wants Muslims to fight. Also, Mr. Bella is quite chary of socialism too. He glorifies the corrupt leaders of mujahidin of Afghanistan who are making fabulous amount of money by dealing in armaments supplied by American imperialists and also by smuggling heroin from Pakistan. Unless one has unflinching faith in the poor and downtrodden masses, hope in their action and commitment to their cause, one can hardly claim to be working for Islamic justice, the kingpin of Islamic socio-economic system. The ruling elites of the Arab countries have let down even the heroic struggle of the people of Palestine who are the real radicalising force in the Middle-East and hence feared most by the ruling classes. Unless the Palestinian revolution succeeds in the Arab world, there can be very little hope of social justice being established there.

## ISLAM AND THE CHALLENGE OF POVERTY

Religion according to its Latin origin *religio* means consciousness and piety on one hand, and to tie, or to bind, on other. Religion, in other words, can be defined as a set of spiritual and metaphysical doctrines binding together all those who subscribe to them. Religion also becomes, over a period of time, a system of significations, symbols and rituals providing a deep sense of identity in a complex world to exist wherein it itself is an existential challenge. Also, religion, in the history of human beings, had its origin as a project of quest for meaning of life, truth and ultimate destiny. However, and it is negative side of religion, this quest for truth often loses its dynamism and gets crystalised in the form of immutable dogmas. Soon a set of complex rituals arise around these dogmas providing psychological solace and a sense of symbolic fulfilment for faithfuls.

A few privileged casuists, on the other hand, pursue metaphysical questions so abstract in nature that neither do they have in links with existential human problems nor with any sublime human destiny. Religion for them becomes a sterile intellectual exercise. Religion, thus, neither serves as a dynamic ethical and moral code inspiring its followers to lead spiritually meaningful life within the space of essential material needs nor does it provide guidance for sublimating human destiny and integrating it with the cosmogenic process. In other words, religion becomes a set of dead rituals for the masses on one hand, and, a set of abstract, incomprehensible metaphysical doctrines, on the other.

If religion has to be a meaningful project, closely integrated with human destiny, both in its mundane and sublime sense, it will have to be liberated from sterile rituals and theological casuistry. However, this task is not easy to accomplish. Masses, at the most primitive level of existence, materially as well as intellectually need ritualised religion; oppressed and persecuted, they cling to it for mental solace. They dive into it to drink nectar but remained drowned in a sea of misery. The privileged casuists and theologians on the other extreme are intoxicated with their intellectual abstractions, enjoying full patronage of the established order and are mortally afraid of disturbing it. Their jargonised metaphysical abstractions fill in the interactions of the hollow establishment and try to save it from final collapse.

A religion, if it has to ensure social health and avoid becoming merely a source of mental solace and acceptance of miserable existence, it will have to transform itself into a powerful instrument of social change, an active agent challenging the decrepit social order having inbuilt socio-legal and politico-economic mechanism to perpetuate privileges and powers of a few upper castes and classes. The fundamental question, therefore, is : can religion lend itself to playing such a role without violating its real spirit and legitimate role ? My answer is in the affirmative, though often a contrary view has been held by religionists and theologians. However, in my opinion certain major historical religions like Buddhism, Christianity and Islam are eminently suited to play this role, due, mainly, to the circumstances of their origin. These religions were, to begin with, powerful protest movements not only against established religions but also against the prevailing power-structure. While the Buddhist philosophy (Buddha's proclaimed agnosticism and his this-worldly pragmatic approach did not lend Buddhism to evolving a theology, in the traditional sense) stressed abolition of *dukha*, Christian and Islamic theologies, in their early non-speculative phases, identified themselves with the oppressed. It was only much later that these theologies became part of powerful established empires and began to lose their militant character.

Here I wish to make another important point. A theology, even if derived from revealed scriptural text, remains partly situational-contextual in character and partly normative-metaphysical.

The militant fighting character predominates when theology remains identified with the oppressed masses and speculative metaphysical elements begin to predominate as it begins to identify itself with the establishment which comes into existence with the religious movement in the later phase. Christian and Islamic theologies both suffered the same fate over a period of time. Both the theologies came under the shadow of neo-Platonic speculative philosophy and became highly metaphysical in character. These theologies lost contact with the common people and hence lost militancy and dynamism in the process.

## II

In order to meaningfully discuss the problem of ISLAM AND THE CHALLENGE OF POVERTY it is important to understand the Quranic approach to certain related problems. The Quranic prophets, as the Iranian Islamic thinker 'Ali Shari'ati rightly points out, are part of the masses, not of any ruling establishment or ruling chieftains (with a few exceptions like David and Solomon). The holy Quran clearly states that "He it is who has sent a messenger amongst the masses *from among them*." (62:2. Emphasis supplied). Thus it would be seen that the Quran emphasises the fact that God sends His messengers for the people and from amongst them. These messengers stand by the people and never identify themselves with the rulers or with the ruling classes ('*mala*', ruling chiefs).

When the prophet Nuh (Noah) began to preach among his people the arrogant chieftains rejected his message and ridiculed him. "The chieftains of his people (*qaum*)" says the Quran, "who disbelieved, said : We see you but a mortal like us, and we see that the lowliest amongst us follow you without deep thinking. We see no merit in you above us and we deem you liars." (11:27). Again in yet another chapter the Quran says : "And We sent not unto any township a warner, but its affluent ones declared: Lo ! we are disbelievers in that which you bring unto us. And they say : We are more (than you) in wealth and children. We are not the punished ! (34 : 33-36).

The Quran, in keeping with its approach, describes the rulers, chieftains and those who stand by them as *mustakbirin*

(arrogant, drunk with power) and the ruled, or the masses of people as *mumstad 'ifin* (weakened, oppressed). The messengers of God naturally arise from amongst the weak and fight for their liberation from the clutches of the oppressors. Prophet Moses fought against the mighty Pharaoh for liberating Israelites who were being oppressed at his hands. Pharaoh was thus *mustakbir* (arrogant oppressor) and the Israelis *mustad 'ifin* (the weak and the oppressed). The entire ruling class supported Pharaoh in this struggle, according to the Quran. "The chiefs of Pharaoh's people said : (O king), will thou suffer Moses and his people to make mischief (the ruling classes always dub any fight for justice as mischief, sedition or rebellion) in the land, and flout thee and thy gods ? He said : We will slay their sons and spare their women, for lo ! we are in power over them." (7:127)

Thus the Quran clearly and unambiguously stands with the weak in their struggle against their oppressors. It also laments, even reprimands those who do not come to the rescue of those who are being persecuted. Reprimanding them the Quran says: "Why should you not fight for the cause of Allah and the weak among men and of the women and the children who are saying : Our Lord ! Bring us forth from out of this town of which the people are oppressors ! Oh give us from thy presence some protecting friend ! Oh give us from Thy presence some defender !" (4 : 75)

The Quranic theology thus not only strongly condemns exploitation, arrogance of power and oppression, it also enjoins upon the faithfuls to fight against these evils and come to the rescue of the weak and the oppressed as the above verse categorically indicates. Not only this; the Quran goes a step further and states its intention to put the weak and the oppressed in the decisive leadership position. It says, "And We desired to show favour unto those who were oppressed in the earth, and to make them leaders and make them the inheritors." (28 : 5)

Also, according to the Quran no township based on injustice and exploitation, can survive long. "How many a township", says the Quran, "have we destroyed while it was oppressive, so that it lieth (to this day) in ruins, and (how many) a deserted well and lofty tower." (22 : 45)

Many more such verses can be quoted from the Quran which strongly condemn oppression and injustice. A tradition ascribed to the Prophet puts unbelief lower down the scale than oppression and injustice. This tradition says that a country can survive with its unbelief (kufr) but not with its oppression (zulm). It is highly regrettable that later theological developments completely overshadowed this noble spirit of Islamic theology. We shall throw some light on this aspect little later.

### III

Mecca was experiencing acute social tension when the Prophet began to preach there. Apart from inter-tribal conflicts and rivalries, Meccan society was dogged with tensions caused by accumulation of wealth in a few hands and lack of distributive justice. Breaking the barriers of tribal structure, a powerful class of mercantile bourgeoisie was emerging in Mecca. The tribal relations of production, in other words, were giving way to mercantile economy based on exchange. There, of course, continued handicraft production by individual artisans or groups of them. There also continued traces of pastoral economy of which we have evidence in the holy Quran as well as in the early history of Islam. However, the commercial economy was becoming predominant.

The merchants began to accumulate wealth neglecting the tribal norms. The mercantile culture cast its shadow over the tribal one. The poor, needy and orphans began to be neglected giving rise to social tensions. There developed acute discontent among these weaker sections of the Meccan society. The Prophet felt deeply distressed at this state of affairs. We can clearly sense deep concern for the destitutes of the society in some of the early Meccan verses which strongly condemn arrogance of the Meccan rich and their neglect of the poor, needy and orphans. "Hast thou observed him who belies religion? That is he who repels the orphan. And urges not the feeding of the needy." (107 : 1-3) Here it should be noted that belying of religion has been equated with repelling the orphan and denying food to the needy. This is very important social dimension of Quaranic theology and the one very useful for meeting the challenge of poverty.

The Quran also condemns, in no uncertain terms, accumulation of wealth and arrogance generated thereby. The Quran says in no uncertain terms, "Woe unto every slandering traducer. Who hath gathered wealth and counts it. He thinks that his wealth will render him immortal. Nay, but verily he will be flung to the Consuming One. Ah what will convey unto the what the Consuming One is ! (It is) the fire of Allah kindled, which leapeth up over the hearts (of men), Lo ! it is closed in on them, In outsretched columns." (104)

Here the whole imagery is worth noting. The one who accumulates wealth and counts it (without distributing it judiciously) will be thrown into the Consuming One which is defined as the fire kindled by Allah. The traditional theologians mean hell fire thereby-in the world hereafter. But one can hardly miss its immediate social context. One needs to evolve what I would like to call socio-theological approach to the Quranic verses in order to understand their correct import. The Meccan society, on account of fast developing disparities of wealth, was on the verge of getting caught into social turmoil. The Prophet with his acute sense of social concern had clearly sensed the gathering storm. Through the revealed verses, this situation was depicted in appropriate divine imagery. Thus the kindled fire of Allah would also mean the social turmoil into which the Meccan society could have been caught due to the disparities of wealth. Seen in this context we can better appreciate all such verses in the Quran revealed specially in the early Meccan period. It became an integral part of the Quranic theology that the wealth be justly distributed and should not remain concentrated in the hands of the rich. "That it (i.e. wealth) should not circulate between the rich among you." (57 : 7). This Quranic approach remained unchanged even in the later Medinese period. There is strong denunciation of concentration of wealth in the Medinese chapter *Al-Taubah* (Repentance). "They who hoard up gold and silver and spend it not in the way of Allah, upto them give tidings (O Muhammad) of a painful punishment." (9 : 34)

Needless to say if the challenge of poverty is to be met a social structure free from exploitation, oppression and concentration of wealth in a few hands will have to be built. Another kingpin of such a society is justice in social, economic, legal and

political sense. The Quran lays great stress on justice and uses terms like *'adl* and *qist* for the purpose. Also, *'adl* and *ihsan*, (justice and benevolence) are again the two key terms employed by the Quran for stressing the need for economic justice. One also has to be just in economic transactions. "That you exceed not the measure. But observe the measure strictly." (55 : 8-9). It is also necessary to achieve economic justice and balance that while reasonable needs for food, shelter, etc. be met, the tendency for extravagance be curbed.

The Quran requires the faithfuls to avoid extravagance. "O Children of Addam", says the Quran, 'Look to your adornment at every place of worship and eat and drink, but be not prodigal. Lo ! He loves not the prodigals.'" (7 : 31). We know that the advanced capitalist societies of the West based on structures of oppression and exploitation are affluent and plunder the economic resources of the third world for their prodigious expenditure and maintain unreasonably high standards of living at the cost of the poorest in Africa, Asia and Latin America. The ostentatious consumerist culture of the West is proving to be the greatest curse for the poor of the world. The socialist economies, on the other hand, while ensuring reasonable level of basic necessities, positively discourage ostentatious consumerism. The stress in such economies is on production of wage goods rather than luxury goods. The world economy can achieve balance only if western economies avoid extravagance and plundering the resources of the third world perpetuating poverty therein. But as we know the North-South dialogue has not succeeded despite repeated attempts on the part of developing countries of the South. The countries of the North refuse to give substantial aid to boost the economies of the countries of the South. They refuse to commit even 2 per cent of their gross product by way of aid to these under-developed countries. The challenge of poverty cannot be met if such an imbalance continues in the economies of the North and the South.

Looking to the complex problems of world economy today economic justice can be established in order to fight the challenge of poverty only if the concept of justice is treated not only in economic but also in social and political sense. The concept of justice should be as comprehensive as possible. The Quranic

concept of justice, it would be seen on a careful study of its verses, is quite comprehensive in this sense. After saying that "Say : My Lord enjoineeth justice" (7 : 29), it goes on to say, "O you who believe ! Be you staunch in justice, witnesses for Allah, even though it be against yourselves or (your) parents or (your) kindred whether (the case be of) a rich man or poor man, for Allah is nearer unto both (than you are). So follow not passion lest you lapse (from truth)...(4 : 135).

In yet another verse the Quran requires of the faithfuls. "O you who believe ! Be steadfast witnesses for Allah in equity, and let not hatred of any people seduce you that you deal not justly. Deal justly, that is nearer to piety. Observe your duty to Allah." (5 : 8).

From the verses quoted above it would be seen that the doctrine of justice propounded by the Quran is not only comprehensive but also quite rigorous. It requires of the faithfuls that even the hatred of other people should not come in their way of dispensing justice. One has to be just even if it goes against oneself, against ones parents and relations and that justice is an integral part of *taqwah* (i.e. piety). Piety does not lie merely in praying and fasting and abstinence but also in being rigorously just. And it is obvious that the battle against poverty cannot be fought without being just in its most rigorous sense.

The modern capitalist system is highly exploitative and so perpetrates unjust socio-economic structures. Within its framework neither social, nor economic nor political justice is conceivable, specially of the Quranic variety discussed above. Even if the political rule does not precisely correspond to the class rule in the Marxist sense in the modern democratic societies due mainly to mass pressure, one can hardly deny the hegemony of capitalist class and their exploitative practices. Any form of exploitation of one human being by another human being is an acute form of injustice and cannot square with the Islamic doctrine of justice. There are other reasons as well why modern capitalist society cannot keep pace with the Islamic *weltanschauung*.

Islam, as pointed out above, is opposed to extravagance and lays stress on keeping needs under control (it should not be, under any circumstances, construed to mean renunciation as the same has been positively disapproved of by Islam). The Quran

also requires of the faithfuls to give away what is superfluous (after meeting ones controlled needs). The capitalist society, on the other hand, perpetuates itself by creating artificial needs through high pressure publicity. The noted American sociologist Vance Packard in his books like 'Hidden Persuaders' has systematically exposed the working of advertising agencies and their methodologies. He shows how, based on false claims, high pressure publicity persuades, in very subtle ways, the people to buy. Most sophisticated techniques are used by the advertising industry to create artificial needs so that the products, primarily aimed at making profit, can sell well in the market. It becomes the very rationale of the capitalist society.

It can also be very well understood by the perceptive observers that the high pressure publicity techniques work much more efficiently in affluent societies of the west which owe thier affluence to the plunder of the third world, as already pointed out. Thus, the injustice of the capitalist economy gets compounded. Creating artificial needs among affluent people (who owe their affluence to exploitation of the poor) is injustice compounded. The affluent North refuses to render economic help to the poor and undeveloped South because it does not want to cut into the artificially maintained high standard of living, thus, endangering capitalist profits. The holy Quran, on the other hand, exhorts its followers, to control the needs and give away the superfluous for those who are deprived and dispossessed. And, for the reasons explained, this is not possible within tte frame-work of a capitalist society and hence it cannot meet the challenge of poverty.

Vance Packard, in his another equally remarkable book *The Waste Makers* shows convincingly how waste making is an integral part of American capitalism. In fact without waste making on colossal scale the wheels of industries in capitalist societies cannot run. Again, greater the affluence higher is the degree of waste in the economy. The usable products are destroyed so that the new products might sell in the market under the label of 'new models' without increased use-values as, is convincingly shown by Vance Packard in his series of books referred to above. This too is an unpardonable crime as far as Islamic ethics is concerned. Islam neither approves of extravagance nor of wasting valuable resources. Western affluence, generated by capitalist exploitation

of the third world, perpetuates both the crimes against humanity and its future generations who would also be deprived of these unreplenishable resources due to their colossal waste by the present generation. Thus, war against poverty would be very difficult to win for the future generations, if capitalism is left unleashed.

The Prophet of Islam hated poverty and starvation. There are number of *hadith* (traditions) ascribed to him to this effect. A tradition reported by Nisai says. 'O Lord ! I seek refuge in Thee from poverty, scarcity and indignity and I seek refuge in Thee from being oppressed and from oppressing (others).' It is very significant tradition as it links poverty, scarcity, indignity and oppression, one aids and abets the other. The Prophet, by seeking refuge from all this makes it incumbent on all the Muslims to declare war against poverty. Another tradition reported by Abu Daud says, "O Lord ! I seek refuge in Thee from *kufir* (unbelief) and poverty." Thus it is made unmistakably clear that *kufir* and *faqr* (unbelief and poverty) both are equally condemnable. Yet another tradition reported by Baihaqi and Tibrani says, "poverty, in all probability, leads to unbelief (*kufir*)."

All these traditions ascribed to the Prophet make it clear that a Muslim must declare war against poverty. Poverty is as condemnable as unbelief and as a Muslim should fight against *kufir* he should fight against poverty. Perpetuating poverty amounts to perpetuating unbelief. Any *ism* or system which seeks to thrive on perpetuating poverty, starvation and need, must be fought against, be it feudalism or capitalism. Thus, war against poverty becomes an integral part of Islamic faith.

#### IV

There are several related questions as far as Islam and war against poverty is concerned. Some of these questions have been hotly debated and have raised storm of controversy. One of the fundamental questions in this regard is that of property. Another important question, though of different nature, is pertaining to *riba*' i.e. interest. It is important to throw some light on these fundamental questions, if we want to grapple with the problem of poverty and war against it in the light of Islamic ideology.

Before launching out on discussion of these fundamental problems, it is necessary to make one thing clear. I do not consider the concept 'Islamic economics' as valid. Islam is religion whereas economics is a positive science. Islam, as a religion, provides us with a set of norms and values, not with scientific analysis or system. 'Islamic economics', if at all such a term could be used, could be used only in a normative sense, not in a positive sense of scientific and conceptual analysis. There have been of late some serious attempts at developing the concept of 'Islamic economics' both in a normative and positive sense. But, scientifically speaking, it is difficult to accept this concept in the latter sense.

Syed Nawab Haider Naqvi, in his book *Ethics and Economics-An Islamic Synthesis* (The Islamic Foundation, U. K., 1981) points out four axioms of Islamic 'system' namely Unity, Equilibrium, Free Will and Responsibility which are obviously all normative and value-oriented. He also points out in this connection, "it is important to note that the fundamental axioms themselves are derived not through any logical process, put through observations or by posting a value judgement about their universality." (pp-31)

We will discuss the question of property, '*riba*' etc. keeping this distinction between the normative and positive in mind and that the Islamic teachings and doctrines are normative and do not constitute any positive science.

### **Property or Poverty ?**

The traditional theologians have steadfastly maintained that the right to property is sacrosanct in Islam and cannot be tampered with. The Sa'udi theologians even took the view that nationalization is not permitted in Islam in view of this right to property. But, on a deeper view of the problem, this position is hardly sustainable. We have already seen that the Quran not only makes strong plea for taking care of the poor and needy, it intends to make the *mustad'ifin* (the weaker sections) inherit the earth and also the leadership of the mankind. The case for helping the needy and poor constituting the weaker sections of the society has been repeatedly emphasised. In contrast to this the right to property has not only been emphasised (though certainly

not denied) but has been subjected to the rights of the deprived sections of the society.

The Quran states categorically, "And in their wealth the beggar (or needy) and the deprived (who does not beg but nevertheless is needy) had due share." (51:19). This verse; thus, makes it very clear that the right to wealth or property is not absolute but is subject to the share of weaker sections of the society. We have also seen in the foregoing discussion that where there is accumulation of property among a small section of a society, poverty is bound to result in the larger section of that society (unless that society, like the western capitalist society keeps itself affluent by plundering other less developed societies). This applies much more to industrial society which is based on production and appropriation of surplus value than to a commercial society which is based on appropriation of exchange value.

Thus, one has to decide between property and poverty. The crucial question is : property or poverty ? As far as Islam is concerned, the Quranic verses and the prophetic traditions make it abundantly clear that in the war against poverty, the right to property cannot be treated as inviolable. In fact, due share will have to be apportioned for the needy and the deprived. It is also important to discuss here the question [of property in an industrial economy. The extent of the property owned by individuals in a mercantile economy differs quantitatively as well as qualitatively from the one owned by huge cartels, corporations and multinationals in a modern industrial economy.

The economic might of huge multinational corporations owned by Americans is greater than the combined economies of some of the smaller Asian and African countries. The appropriation of the surplus produced by the sweat and toil of the workers keeps on adding to the economic might of these monopolies and multinational corporations. These Corporations using their strangulating hold over economies of the poorer nations, dictate terms and unreasonable prices are thus largely responsible for perpetuating poverty in these countries. One can quote here the most recent example of Nigeria. Its economy has been nearly ruined as it refused to bow down to the dictates of the multinational oil corporations.

Islam was confronted with mercantile economy when the Prophet was preaching. It opposed and strongly attacked

concentration of wealth even in a mercantile economy. How could it then allow right to private property remain inviolable in an industrial era? How nationalization could be ruled out, if it becomes necessary for supporting the cause of weaker sections of society? But either the theologians do not understand the intricacies of industrial economy or support the *status quo* as they themselves depend on it. We will throw some more light on the question of nationalization little latter.

### CHARITY OR SHARING OF WEALTH ?

The traditional theologians have argued that Islam wants to meet the challenge of poverty by encouraging charity called *sadaqah*. It is true the Quran talks of *sadaqah*. Charity was one of the ways of combating poverty or reducing its rigours in a mercantile economy in those days. However, it was and is not the only way. The Quran, as already pointed out, talks of the *share* of the needy and the deprived in the wealth and share is much more than charity, a right, not mere supplication. The Quran was also aware of the limitations of charity. The sense of superiority of the giver and that of indignity of the taker often makes it less than worthwhile.

The Quran uses an appropriate simile to explain the inherent shortcoming of such a charity. It goes on to say :

“O you who believe: Render not vain your almsgiving by reproach and injury like him who spends his wealth only to be seen of men and believes not in Allah and the Last Day. His likeness is as the likeness of a rock whereupon is dust of earth: a rainstorm smites it, leaving it smooth and bare. They have no control of aught of that which they have gained. Allah guides not the disbelieving folk. (2:264)

Thus, the Quran emphasises the element of reproach and injury involved in charity and that such a charity is washed away as the dust from the rock in a rainstorm as the same is without any roots. From this verse the Quran's attitude to charity is very obvious. It often carries the danger of reproach and injury to human dignity and hence cannot strike any firm roots in society. The limited effects, produced if any, by charitable acts, are destroyed through angry uprisings of the deprived sections of society (rainstorm is metaphorical expression for angry uprising).

The next verse following the one quoted above is also quite meaningful in this respect. Here is its text :

“And the likeness of those who spend their wealth in search of Allah’s pleasure and for the strengthening of their souls is the likeness of a garden on a height. The rainstorm smites it and it brings forth its fruit twofold. And if rainstorm smites it not, then the shower. Allah is seer of what you do.”  
(2 : 265)

The verse could mean to refer to true charity which is done to earn Allah’s pleasure. It is likened to a garden which brings forth twofold fruit. It could also mean to signify sharing of wealth through social institutions which does away with any possibility of reproach and injury, since charity in true spirit is so rare in view of human nature. If redistribution of wealth is brought about through well devised socio-economic institutions, it would generate mass enthusiasm resulting in redoubled efforts and increase in production twofold.

### **TRUSTEESHIP OR SOCIAL OWNERSHIP ?**

Some theologians and modernists have also argued in favour of theory of trusteeship. This theory has been propounded as, according to the Quran, Allah is the real owner of all that is between heaven and earth. It is, therefore, argued that man is not the owner of his wealth but holds it in trust. God has entrusted wealth to him to spend on the needy and the poor. He only possesses wealth for the welfare of others. Tolstoy, Mahatma Gandhi and several others have also propounded similar theory. It seems to be quite splendid in theory. However, it assumes that man is motivated in his actions by idealism alone. It is far from true. The whole history negates this assumption. Had the man been motivated by idealism alone, the whole history of mankind would have been very much different. The earth would have long been a paradise. Human beings have a highly complex nature. They are motivated by ideals but not always so; they are motivated by selfish desires more than the ideal motives.

They are very few examples, besides that of the Prophet and few of his companions, in the entire history of Islam, of Muslim individuals and rulers who can be said to have held political power or wealth as a real trustee of God. The very early history of

Islam is full of bloody strife both for political power and possession of wealth. It was for nothing that Abu Dhar al-Ghifari, that eminent companion of the Prophet had to fight against all those companions of the Prophet and other Muslims who had begun to misuse political power for amassing wealth and its ostensible display. But Abu Dhar met with a tragic end. He was exiled and died a lonely man. His fervent protests proved to be ineffective and amassing of wealth began on a large scale.

While advocating any idealist theory like that of trusteeship, one will have to bear all these complexities in mind. What is happening in the Islamic world today should also serve as an eye opener to the advocates of such theories. Despite so much talk of Islamization in several Islamic countries no serious attempt has been made in any one of them for establishing just socio-economic structures. Disparities of wealth so fervently denounced by the Quran continue and the upper classes indulge in conspicuous consumption while the poorer sections continue to suffer. The ruling classes who are the main beneficiaries of the *status quo* have not accorded any priority to the economic questions in their Islamization programme. Only a half hearted attempt is made to establish interest-free banks keeping the present economic structure intact. We will discuss the question of interest-free economy presently.

What could be the alternative to the trusteeship theory ? Does the theory of social ownership fit into the Quranic framework ? Let it be clearly understood that the Quran, as explained earlier, does not advocate any specific theory ; it only lays down certain norms and emphasises some values. It condemns oppression and exploitation and makes justice obligatory on its followers. What is, therefore, primary in Islam is putting an end to all forms of oppression and exploitation and establishing a just society by evolving suitable socio-economic formations. It is from here that the boundry of scientific approach to the economic problem begins. The nature of theory should be such as to take Islamic value system into account on one hand, and, should result in mitigating socio-economic injustices in the society, on the other.

It should also be borne in mind that the nature of socio-economic institutions, theories and practical measures would vary with

the nature of socio-economic formations. What is valid or efficacious in a tribal, feudal or mercantile economy may not necessarily be valid in an industrial economy. While the fundamental values should be tempered with (what we can term as *hudud Allah* i.e. limits of God in the Quranic parlance) the socio-economic institutions must be reconstructed or changed in toto in order to retain the efficacy of the values divinely inspired or intuitively gained. I would like to elaborate with reference to the point under discussion.

The institution of *sadaqah* (charity) could serve the end of mitigating the rigours of economic injustice in an emerging mercantile society or in a feudal society. While the overall spirit of the Quranic concept of socio-economic justice is much more radical it could not have been realisable to the same degree in a tribal-cum-mercantile society. It had to be tempered suitably in the prevailing socio-economic milieu. The institutions had to be so devised as to meet the demands of the situation. Much too great a degree of radicalism in non-congenial milieu can defeat the very purpose sought to be achieved. Advocacy of non-pragmatic radicalism has often been the bane of many revolutions. Even a revolutionary like Lenin had to condemn certain measures advocated by a section of Bolsheviks as 'infantile communism'.

The concept of *sadaqah* in the Quran must be seen in this light rather than a permanent institution as sought to be done by theologians and others averse to any change. Only values are permanent, not the social institutions which serve those values in particular circumstances. It would be unfortunate to treat institutions as permanent at the cost of those fundamental values. The Quran was not satisfied, even in those circumstances with the mere concept of voluntary charity. It made *zakah* (poll tax) an obligatory levy on all the faithfuls. It categorically states, "Take alms from their wealth wherewith you may purify them and may make them grow..." (9 : 103). Thus *zakah* is to be taken from their wealth so that the needy and the poor may be taken care of and the wealth and society may grow in harmony.

It does not require much argument to conclude that traditional institution of charity cannot meet the challenge of poverty in an industrial economy, especially in the third world which includes India. New socio-economic institutions will have to be

fashioned to meet this formidable challenge. Private property cannot be left untouched in the hands of few, if the Quranic spirit is to be upheld. One will have to choose between property and poverty and the Quranic choice is abundantly clear. Private property cannot be treated as sacred and inviolable although it does not mean abolishing private property altogether.

Thus, Mr. S. N. H. Naqvi also maintains, ".....it should be clear that a substantial dilution, through direct and indirect policies, of the institution of private property must form the keystone of any egalitarian Islamization programme. This is particularly true of those Muslim countries that live under oppressive/feudalistic system, The most objectionable element of the private property system is landed property, which serves no useful economic functions whatsoever. No economic harm will be done-indeed, great social benefits will flow-if all landed property were to be confiscated by the State in one clean sweep and cultivated on its behalf." (*Ethics and Economics, ibid, pp-149*)

In fact Mr. Naqvi raises very important question here. In the countries of the third world there cannot be any effective solution of the problem of poverty without implementing land reforms. However, it is hardly on the agenda of any Islamic country publicising its "Islamization" programme. Pakistan, for example, very badly needs implementation of land reforms. The big landlords are very powerful and no government enjoying their support can dare touch their lands. Zia's "Islamization" does not make even an indirect reference to any such programme. The committee of expert economists appointed by the Zia regime stressed the urgent need for such reforms but the report was shelved.

The Committee, in its report, advocating land reform, says : "In addition to this, land reforms should be introduced to reduce the size of the *family holding* of land. Steps should also be taken to promote the Islamic system of partnership tenancy in place of the wide spread practice of hiring out bare land for fixed rent which according to some *Fuqaha* (theologians), is formally equivalent to *ribah*. Furthermore, there is the explicit Islamic position that land not cultivated for three consecutive years should be taken away by the State, without paying any compensation to their owners,

and given to those who can cultivate it.” (*An Agenda for Islamic Economic Reforms*, mimeographed report prepared by the Pakistan Institute of Development Economics, Islamabad).

Needless to say no such radical land reforms are cultivated by the Zia regime. Its Islamization programme does not go beyond imposing certain Islamic punishments for theft and adultery and in the economic field beyond establishing interest-free banks which any way do not harm powerful vested interests responsible for perpetuating poverty. This clearly betrays the class character of the Zia regime. The other Islamic regimes have been no less guilty in this respect.

As far as the Islamic value-system is concerned, one will have to give altogether a new interpretation to the idea of trusteeship of wealth. If an individual possessor of wealth is considered as its trustee, the desired result is not obtained. It becomes very difficult to demarcate between the rights of a possessor and an owner. In fact the possessors and owners can and do exercise virtually all the rights of owners. It is a well known fact that in high taxation economies, trusts are created by the rich and the wealthy, not to dispense benefits to the needy but to avoid taxes. They, at the same time, continue to exercise all the rights of ownership by retaining their control over the trusts. The government has to further legislate to curb such malpractices.

It would, thus, be seen that the concept of individual trusteeship of wealth is not adequate to meet the requirements of judicious distribution of social wealth in the society. The problem can be adequately grappled with only if the society as a whole is treated as a trustee of Allah and the social wealth is owned by it, including the means of production, in an industrial economy. The society as a whole should hold social wealth in good trust and develop and spend it in keeping with the objectives laid down by Allah. There is nothing wrong even if this happens to be in conformity to the socialist doctrine of social ownership of means of production. The Prophet is reported to have said that “wisdom is the lost property of a faithful ; he should acquire it wherever he finds it.”

Another important dimension of social trusteeship of wealth is ecological in nature. The capitalist development, due to its greed

for profit and accumulation, often ignores ecological considerations while ruthlessly exploiting natural resources. Ecology must be treated seriously while working out the strategy of economic development. Also, the imperialist countries have shown very scant regard for ecology in the third world in their greed to exploit it for keeping their standards of living very high. If the natural resources and means of production are controlled by the society as a whole, it would not be possible to do so. Yet another dimension of the problem is intergenerational use of the natural resources. The society must hold natural resources in trust for the coming generations too. They should not be exhausted for maintaining high standards of a few generations only. This is precisely what is happening with the oil resources of the Arab world. The ruling classes in the Arab world are selling millions of barrels of oil every year to the industrialised world of the west and themselves appropriating the revenues earned. The life styles of these ruling classes are becoming a almost legendry. An average family in Jeddah (Saudi Arabia) owns four cars.

The institution of social trusteeship would ensure that coming generations are not deprived of the benefits of natural wealth. The oil resources of the Arabs, it is estimated by the noted economists like Samir Amin, may be exhausted within 30 years, if oil production is not curtailed. One must also bear another fact in mind that those who talk of the concept of Islamic *ummah* and reject the concept of nation-state are least inclined to share their wealth with the poorer Islamic nations like Bangla Desh which is one of the poorest nation in the world. Thus Islamic *ummah* remains purely religious concept which is exploited politically by the rulers of the Islamic world but refuse to dispense economic benefits to the poor and needy of the *ummah* in other countries, symbolic financial aids apart.

One of the most fundamental doctrines of Islam is *tawhid* (unity of God). Traditional theologians have mostly confined themselves to explaining its religious aspects. The socio-economic aspects of this far reaching doctrine have not received any serious attention so far. Unity of God should not be treated merely as a theological concept but also a sociological concept. It is precisely for this reason that the Quran opposed all

distinctions based on tribes, races and nations and established the brotherhood of faithfuls. Also, divisions in a society are not merely ethnic in nature, they are also economic. They are termed as class divisions in the economic terminology. The latter divisions cause serious tensions and conflict in the society and no meaningful unity can be achieved if these divisions persist and keep on widening. If the divine unity reflects social unity-and it should, as per the Quranic spirit-then the *taehidi iqtisadiyat* (what could be roughly termed as Islamic economics must minimise these economic disparities. Only a society free of ethnic, national linguistic and class divisions can be an ideal *taehidi* society.

I would also like to emphasise here that social situations are normally highly complex and human behaviour is not motivated by ideals alone but is governed by social situation also. Any theory which fails to take this fact into account cannot come to grips with social and human realities. Whatever the ideals, theological or metaphysical, ethnic, national and class divisions cannot be wished away very easily. The Quran is also fully aware of these social complexities and declares : ‘Had Allah willed, He could have made them one community, but Allah bringeth whom He will into His mercy. And the wrong-doers have no friend nor helper.’ (42 : 8)

This is very significant verse. It clearly implies the prevailing ethnic and other divisions and tensions and the problems of bringing about unity. ‘‘Had Allah willed He could have made them one community’’ is quite meaningful statement, i.e., if only ideal could bring about unity, they could have become one community but Allah guides His servants and leaves them with their social realities (of their own making and to desire His mercy. Thus it is for the human beings to take initiative and seek His mercy i.e. strive to create a society free of these divisions and ensuring unity. Only those who try to mitigate these divisions and tensions caused by them deserve His mercy. Those who cause these divisions to persist and tensions to be aggravated are wrong-doers and ‘‘wrong-doers have no friend nor helper’’. Thus the Quran’s verdict is clear : it is not Allah’s responsibility to forge unity and make them one community ; it is for human beings, under His guidance, to strive to achieve this objective by minimising these divisions and thus deserve His mercy. If they cause

these divisions to persist they will face the consequences and will have no friends and helpers.

The question of property and poverty should also be looked into in this light. The right of property is not absolute, but neither can it be easily done away with. It poses numerous problems. The existing class divisions are very sharp. Concentration of property in a few hands undoubtedly aggravates the problem of poverty among the masses but abolition of right to property can also not be achieved in one go. One may have to evolve, through trial and error, in right spirit and inspired by right ideals, solutions to this problem in keeping with ones situation. Neither the abolition of right to property right away nor retaining it as absolute one can meet all possible situations. Both the solutions being extreme, do not take entire complexity of social situation into account. Extreme solutions are workable only in extreme situations, not in existing 'normal' situations.

Sudden abolition of right to property can throw up very complex problems severely affecting the economy. Immediately after the October revolution in Russia severe restrictions on right to property were applied but after the days of war communism-an extreme situation-a new economic policy (NEP) had to be adopted reversing some of these curbs. The economy would have, otherwise, been severely affected. Even on the question of the pace of collectivisation there was bitter controversy among the Bolsheviks. Also, Mao Ze Dong's advocacy of establishing communes in one go met with severe resistance from other leaders and created serious economic as well as political problems. After his death the new leadership reversed many of these measures and permitted, under the label of modernization, restoration of private plots on limited scale and also adopted 'responsibility' system both in fields and factories in order to boost production.

Thus, it would be seen that the question of property cannot be settled in a simplistic way. From this one should not conclude, as opponents of socialism often do, that tempering with the right to own property is against human nature and that there would be no incentive for production without it. All I intend to emphasise here is that much would depend on the prevailing situation. It is for this reason that the Quran neither upholds right to property as sacrosanet nor rejects it altogether.

While opposing exploitation and oppression and emphasising socio-economic justice in no uncertain terms, it leaves concrete modalities of individual and social properties to be worked out in concrete situation.

## V

It would be seen from the foregoing discussion that *'adl* (justice) is the cornerstone of an economy based on Islamic values. To realise this concretely in a modern industrial economy it is not enough to establish interest-free banks, collect *zakah* and *ushr* (on agricultural income) and emphasise charity. These measures are not enough to meet the challenge of poverty and establish social justice, important though they are. The socio-economic institutions will have to be refashioned in order to establish distributive justice. The first important requirement is that one will have to view the problem in the context of totality of economy, not in piecemeal fashion. Production in modern economy is as important as distributive justice.

It has been argued that profit motive leads to maximising of production and it also constitutes a just reward for the entrepreneur. And that just reward is in keeping with the Islamic principle. Those who know the working of modern industrial economy and its scale of operation would hardly be taken in by such arguments which used to be advanced in 19th century. Giant corporations and multinationals are not owned by an individual entrepreneur and his work ethics and his profit motive as was the case in the early stages of capitalism. These giant corporations are owned and manipulated by the powerful groups of super rich through the mechanism of buying controlling shares. The huge amounts of profit are pocketed by those who skilfully manouvre these controlling shares. The profit, thus, accrued is neither the result of hard work, nor that of proportionate investment. Such a profit is, therefore, result of speculation on the stock exchange and is *haram* (illegitimate), prohibited by Islam. It should also be borne in mind that the profit obtained through commercial exchange, in which the individual owner and investor plays personal role through direct operations is not comparable with the profit obtained through production by workers and appropriated by remote entrepreneurs who do not play any direct role in its generation.

In a mercantile economy on the other hand profit is generated (rather distributed) through commercial transactions carried out by the investor himself. The Prophet was faced with this situation in Meccan mercantile economy and it was the profit of this sort which was legitimised with a proviso that no speculation or other forms of malpractices like short-weighing, short-measuring or advance trading are not resorted to. Thus the two categories of profits should not be confused together.

Here we would like to throw some light on the meaning and concept of *riba'* itself. *Riba'* should not be understood in the context of modern industrial economy only as interest; its scope should be widened to include all the exploitative practices. Industrial profit would also fall in this category. Thus abolition of *riba'* should mean banning all exploitative practices including the profit earned by large-scale modern industrial establishments. It is only then that the workers and other weaker sections of society would benefit. It is also a point to be noted that free-enterprise oriented industries in their hunt for profit are more interested in producing consumer goods for upper classes including consumer durables rather than wage-goods for workers and other weaker sections which have much low profitability.

It becomes the responsibility of the society as a whole or the State to produce and supply such goods to the weaker sections of the society. Needless to say, this role can be effectively played by the nationalized sector. Large scale industries will have to be nationalised both for curbing unethical consumerism as well as for establishing social justice, a corner-stone of an Islamic society.

## ISLAM AND INDUSTRIAL POLICY

Islam is primarily a religion and religion, as such, is supposed to be primarily concerned with spiritual matters. However, the historical development of Islam has been along different lines. Islam filled in Arabia, not only spiritual but also many other vacuums. Islam arose as a response to a particular historical situation and as a result of a felt need for comprehensive pronouncements in religio-cultural as well as socio-economic fields. Moreover, the later historical developments too, added to the legal corpus of Islam in various fields which came to be treated not only as integral part of Islamic doctrines but also as almost divine. The '*fuqaha*' (jurists) went on, in response to developing needs of the Islamic society, laying down rules in all conceivable fields, including agricultural and commercial ones, by using the well known institutions like the *sunna* of the Prophet, *ijtihad* (creative interpretation), *ijma'* (consensus) etc. in addition, of course, to the Quranic injunctions. One must keep this in mind that the legal corpus in Islam had been developed in response to the developing situations. But this dynamism, unfortunately, came to an end after the decline of the Abbasid empire.

### I

There developed a vast commercial network in the Islamic world with the expansion of Umayyad, and later, Abbasid empire. Number of complex questions arose which had to be answered

by the '*fuqaha*'. Muslims considered every question, even if pertaining to a field like commerce and industry, as an integral part of religion and they looked to the *fuqaha* for guidance in all such matters. And that is why the '*fuqaha*' had to exert themselves to find answers to these questions. That is how the jurists came to develop a corpus of laws in the field of commerce and industry.

It has often been debated by the scholars of Islam whether Islam is conducive to promotion of industrialization or not. There are views and views on this question. Some scholars have maintained, without much evidence to marshal, that Islam is prohibitive rather than conducive, to the promotion of industrialization, and even modernization. To this writer, it does not seem to be the correct view. Religion, whether Islam, Hinduism, Christianity, Judaism or Buddhism, cannot be said to be an impediment for modernization or industrialization. Those who are of a stagnant society take stagnant view of religion and interpret it in terms of medieval theology. It is ultimately one's situation which determine, on the whole, one's viewpoint about religion, or any other system of ideas, for that matter.

Religion, it must be noted, undoubtedly becomes an autonomous force and does have deep influence over the thinking of a large section of a society. This can hardly be denied by any serious observer of the social scene. And, what is more important to note, religion continues to be, and will continue to be, a great force in the countries of the third world. But it certainly does not mean that all sections of society in the countries of the third world take a uniform view of religion. The societies under capitalist system are, more often than not, unevenly developed and interpretation or understanding of religion depends on the degree of development achieved by that section or class of society and the needs that arise on account thereof. If there is a felt need for development of industrialisation by a section or a class of society, the religion would be suitably reinterpreted. If a section of society, under no pressure for change, perceives it beneficial to continue in the present state of affairs, the religion would also be perceived to be non-conducive to any change. Static situation, in other words, produces static view of religion.

In the vast corpus of tradition we often come across traditions which are mutually contradictory, and even conflicting.

Undoubtedly, there are many genuine traditions which can be traced to the Prophet but most were of doubtful character which were invented at one time or the other to meet newly arising situation. Thus, the vast corpus of so called Prophetic traditions came in existence to meet ever newly arising situations and needs. Rodinson rightly points out :

“Consequently, it can be said, that no tendency discernible among Muslims is to be explained by the constraint exercised by a body of sacred writings existing previously and acting as a force from outside to shape men’s minds. If a particular passage is invoked, this is because someone has chosen this rather than another one. Essentially, therefore, post-Korannic ideology is not an external force moulding a society, but an expression of tendencies emanating from social life as a whole.”<sup>1</sup>

The whole question about the development of capitalism in Islamic world must be viewed in this light. Many scholars have maintained that there could not develop capitalism in the Islamic world as Islamic ideology is a prohibitive force in that respect. This is far from true. The facts of history do not corroborate this point of view at all. To quote Rodinson again :

“...that the Muslim religion never raised any objection to the capitalist mode of production, and that its precepts constituted no obstacle to the development of the mode of production in the direction of establishing a capitalist socio-economic formation.”

In order to corroborate his point of view he says :

“What is valid for the Middle Ages is fully valid for the modern and present period too. We have seen that ‘capitalism of production’ was known in the Middle Ages, in the form of workshops and manufactories. It has developed in our own day in the form of the factory. The fundamental production-relations between capitalists and wage-workers are the same in all these cases ; what changes is the scale, the lay-out and, above all, the techniques used. There is no reason why these relations, traditionally accepted, should suddenly have seemed unacceptable, since no scriptural text condemned them.”<sup>2</sup>

Although industrial revolution, especially after the second world war has thrown up many new problems which need to be carefully examined before rushing to any hasty conclusion. Maxime Rodinson is fundamentally right. In a general sense, and with certain qualifications, Islam certainly does not constitute any obstacle in the development of capitalism. But the qualifications I referred to are also of fundamental importance as social justice (*'adl*) is of fundamental importance to Islamic teachings as represented by the Quran. We would discuss this at some length little later.

## II

There has been an interesting debate on the question as to why modern capitalism did not develop in the Islamic world? Are Islamic doctrines any way responsible for that or something else? As for Islam we have already seen above that its teachings cannot be said to have been responsible for it. Yet the debate goes on and it would be interesting to consider some of the aspects of this debate.

Islam originated in the commercial milieu of Mecca. Mecca, in fact, was an international centre of high finance and commerce. The Prophet was pitted against the powerful merchants of the tribe of Quraish and some other lesser tribes. The monopoly of trade on one hand, and, accumulation of wealth on the other, were producing social tensions in the Meccan society and the Prophet was deeply disturbed by this social tension fast assuming the form of violent conflict.<sup>3</sup> While the Prophet denounced accumulation of wealth and dishonest practices he fully approved of, nay fully encouraged, honest commerce and trade. In fact, one of the traditions ascribed to the Prophet goes to the extent of saying that the honest traders would be raised, on the Day of Judgement, alongwith the prophets and martyrs. The Quran strongly reprimands the dishonest practices in weighing and exchanging commodities. The Quran says, "And give not short measure and short weight, Lo ! I see you well to do, and lo ! I fear for you the doom of a besetting Day." And, "O my people ! Give full measure and full weight in justice and wrong not people in respect of their goods and do not evil in the earth causing corruption."<sup>4</sup>

Honest trade and commerce and the profit earned through

it was considered perfectly legitimate. In fact some of the most near and dear companions of the Prophet were quite successful businessmen. The Prophet himself once had been an honest trader and used to accompany caravans to Syria, then on the border of Byzantine empire. The religion of Islam, it can be said, was the religion of commercial bourgeoisie, both in Mecca and Medina. The Quran uses the commercial idiom in number of places. The Quran also lays it down that the capital be not wasted and instead employed for commercial purposes. "And eat not up your property", says the Quran, "among yourselves in vanity, nor seek by it to gain the hearing of the authorities that ye may knowingly devour a portion of the property of others wrongfully."<sup>5</sup>

Thus, it is obvious that the Quran encourages gainful employment of capital and discourages eating it away in vanity or wasting it on corruption. In tribal society the wealth (often counted in terms of camels, goats and sheep in Arabian tribal society) is often wastefully spent as it has no avenues of gainful employment; there is no trade, commerce or production for market. When Islam was emerging on the scene in Mecca, the tribal society was disintegrating and commercial bourgeoisie was acquiring dominant position. Yet, the tribal practices had their own force. Obviously, these practices were an anathema to the newly emerging commercial society. The Quran goes along with the progressive forces and hence exhorts its followers to gainfully employ their capital and not to waste it on vanity and meaningless consumption. At several places it is said in the Quran that God loves not the prodigals. Wasteful consumption (*israf*) has been condemned repeatedly.<sup>6</sup> However, the Quran does not enforce asceticism either. It says, "...and eat and drink, but be not prodigal. Lo ! He loves not the prodigals."<sup>7</sup>

Thus we see that the Quran was strongly recommending the ethics so very necessary in the initial stages of development of a capitalist society. There has been an interesting debate in the context of development of capitalism in Europe : whether the Protestant ethics preceded development of capitalism or vice-versa. Max Weber maintained that the Protestant ethics preceded development of capitalism in Europe whereas the Marxists argue that the Protestant ethics were the result of development

of capitalism. Here is an interesting parallel which tends to support the Marxist viewpoint. The commercial society was in the process of formation in Mecca when the holy Quran was revealed to the Prophet. Obviously, the emerging commercial society needed ethical practices different from those of a tribal society. The Quran, thus, condemned *israf* (wasteful expenditure) and laid emphasis on minimising the needs. The developing commercial society makes thrift as virtue as otherwise ploughing back of profits into further commercial ventures would be very difficult. Of course, the virtue of spendthrift is an important virtue even in a developed industrial society. The consumerism of the developed industrial societies have disturbed the ethical balance and has been achieved at the cost of underdeveloped countries of the third world. High standard of living and reckless consumerism of the west is supported by economic plunder of the countries of the third world which are steeped in poverty.

Thus, we see that the dominant class in the emerging Islamic society was that mercantile bourgeoisie. Such a class should have facilitated development of capitalism in Islam. However, we see that the Islamic countries failed to develop capitalist system and hence the debate arose among the scholars whether Islam is conducive or prohibitive to the development of capitalism. There are number of reasons for this failure by Islamic countries to develop capitalism. It would be interesting to throw some light on this phenomenon.

Islam emerged as a great force under the leadership of mercantile bourgeoisie (These formulations, one must remember, do not detract from the fact that Islam was fundamentally a religio-spiritual force and must be seen as such. We are only trying to understand its social roots as no ideology, religion or system of ideas become acceptable without fulfilling some social needs). But soon after the death of the Prophet the caliphs undertook great military expeditions and conquered the two great empires of the Sassanids and Byzantium.

These great conquests had tremendous impact on the Islamic society and its developing socio-religious institutions. There began to develop a professional army in place of voluntary forces. The second Caliph Hazrat 'Umar' began to give a serious thought for giving regular payments to the fighting soldiers. The continuing

process of conquests increased the importance of armed forces in the Islamic society. Though the commercial activities multiplied in the expanded Islamic territories, the mercantile bourgeoisie began to loose out to newly emerging class of military officers who depended for their luxurious living increasingly on the revenues extracted from the peasantry. Within hundred years after the death of the Prophet the bulk of the State revenue, as recorded by Baladhuri and other historians, came from rural areas. According to *Kitab al-Kharaj* of Abul Farj, the province of *Hulwan* alone yielded 90 crore dirhams annually.<sup>8</sup>

In view of these momentous developments, the centre of political power also very soon shifted to first Damascus during the Umayyad period and then to Baghdad during the Abbasid period. During the Abbasid period non-Arabs (mainly Persians known as 'ajamis) acquired a dominant position in the State bureaucracy. Their political outlook was more feudal than mercantile. The Abbasid caliphs' life style was a far cry from that of four rightly guided caliphs who had succeeded the Prophet. They lived in super luxury ignoring all the injunctions of the Quran. *Israf* was their wont and the very *raison d'etre* of life. This was quite contrary to the Quranic injunctions as well. The wasteful expenditure of the Abbasid caliphs was also an indication of the fact that feudalism was fast supplanting the mercantile bourgeoisie. It never recovered from this blow thereafter. After the decline of the Abbasid power the Turkish sultans who had their base among the armed forces emerged on the scene. They acquired complete control over the State machinery and ruled in the name of the caliph. Until the final collapse of the Abbasid empire in 1258 the Turkish sultans remained in power. Thus, it can be seen that the mercantile bourgeoisie lost out to military and bureaucracy. All the subsequent regimes in the Islamic world were feudal in character (or we can characterise them as those belonging to what Marx called Asiatic mode of production). The things again began to stir up and change only during the nineteenth century. This is probably why the thrust for development of capitalism was lost in the Islamic world. Thus it can be seen that it was the socio-economic system, not the religion of Islam which impeded the growth of capitalism and industrialization in the Islamic world.

Maxime Rodinson hints at this when he says :

“If the bourgeoisie did not maintain and develop the strength it possessed in the first centuries AH, if the States dominated by a hierarchy of nobles and soldiers prevented it from exercising sufficient weight in relation to political power, if the town did not succeed in acquiring sufficient domination over the countryside, if manufacturing capital did not develop on the same scale as in Europe or Japan, if primitive accumulation of capital never attained the European level—all this was due to factors quite/other than the Muslim religion.”<sup>9</sup>

## I

### THE INDUSTRIAL POLICY IN ISLAM

After having discussed the question of development of capitalism and industrialization in Islamic societies, it is necessary to throw some light on the policy aspects. What would be the policy constraints as far as industrialization within the Islamic frame-work is concerned ? Does Islam lay down such policy constraints ? Does it focus on some ethical direction and does it permit unrestrained consumerism ? Can an Islamic society permit emergence of military-industrial complex as has happened in certain western countries ? Does nationalization of industries accord well with the Islamic doctrines ? What would be the role of *riba*' (roughly translated as interest but it connotes certainly more than that as we will see) in the development of modern industrial economy ? These are some of the important questions which must be dealt with in order to understand industrial policy within the Islamic perspective.

Many Islamicists as well as *'ulama*, while discussing suitable industrial policy in Islam, tend to maintain that the policy requirements of industrialization in an Islamic society can be met only if some items banned by Islam like liquor etc are not allowed to be manufactured and an interest-free economy is established. Needless to say this is rather very superficial view and such an approach betrays ignorance of very vital and complex problems thrown up by an industrial capitalism. Such an approach also pushes many other fundamental problems under the carpet and allows all the evils of capitalism and industrialization within the

capitalist frame-work to be perpetrated. In order, therefore, to evolve a correct policy of industrialization within the frame-work of Islam, one will have to grapple with the questions raised above.

We shall attempt hereunder to discuss the issues arising out of these questions. First, we shall try to answer the question whether Islam lays down, in keeping with the Quranic injunctions, any policy constraints in regard to industrialization. The Quran, it must be borne in mind, gives us a concept of a just society. The key terms used by the Quran in this respect are '*adl* and *ihsan*' on one hand, and, '*istikbar* and *istid'af*' on the other. Thus an ideal Islamic society has to be based on justice and benevolence and suppression of arrogant exploiters guilty of *istikbar* (arrogance) by the exploited (*mustad'ifin*) whose only asset is *taqwa* (piety and fear of evil) and unity (*wahdah*).

No industrial policy which negate these concepts can be allowed to be pursued in an Islamic society. In other words industrialization cannot be pursued within an unrestrained capitalist frame-work. Social justice and exploitation cannot go together. Capitalist development is based on exploitation and accumulation. The Quran strongly condemns both the practices. The Quran permits, as pointed out earlier, honest trade practices and just commercial profit (not profiteering) keeping the social objectives in mind. Just profit based on exchange of commodities has to be distinguished from profit drawn from appropriation of surplus accruing from production of commodities. Commercial economy is based on exchange of commodities whereas industrial economy is entirely based on production of commodities. The Quran, as pointed out earlier, deals mainly with the concepts of commercial economy as it was faced with that situation. One has to apply these concepts creatively in case of industrial economy if one has to evolve a proper industrial policy based on the Quran and *Sunnah*.

The prohibition of *riba*, it should be noted, is integrally connected with the concept of '*adl* and *ihsan*' (i. e. justice and benevolence). In this sense *riba*, should connote much more than interest and usury. Most of the '*ulama* and some of the modernists among Muslims take *riba*' to mean interest and usury and nothing more. They advocate on this basis abolition

of bank interest and setting up interest-free banks. Some modernists like Prof. Fazlur Rahman maintain that what is meant by *riba'* is not bank interest but usury in the sense of doubling of amount loaned at the end of a certain fixed period and it being highly exploitative has been banned by the Quran.<sup>10</sup>

But either of the two viewpoints are not truly representative of the real Quranic spirit. The concept of *riba'* must be seen in the light of the Quranic concepts of *adl* and *ihsan* distributive justice in favour of the weaker sections of the society. Mere abolition of banking interest cannot serve this purpose. On the contrary, in an inflationary economy and modern industrial economy, both developed as well as developing, tends to be highly inflationary and it is much more so, in case of developing economy—sudden abolition of banking interest will lead to greater exploitation of small savers and capitalists will tend to gain at the cost of middle and lower middle classes which is contrary to the real spirit of the Quran. The value of money saved by a small saver will be eroded in an inflationary economy and if interest is suddenly abolished there would not be any compensation for this erosion whereas a capitalist would get interest-free loan from the bank; in other words cost-free capital to invest in most profit yielding sectors of economy.

As far as the Quranic spirit is concerned *riba* should be construed to mean not only interest *but also exploitation in general*. This is also borne out by the fact that the Quran uses very strong language for denouncing *riba'*. In one of the verses on *riba'* it is said, "Those who swallow usury cannot rise up save as he arises whom the devil has prostrated by (his) touch. That is because they say : trade is just like usury; whereas Allah permitteth trading and prohibits usury....."<sup>11</sup> and further on it is said, "O! ye who believe ! Observe your duty to Allah and give up what remains (due to you) from usury, if you are (in truth) believers. And if you do not, then be warned of war (against you) from Allah and His messenger. And if you repent, then you have your principal (without interest). Wrong not and you shall not be wronged."<sup>12</sup>

Thus, we see that the Quran while permitting honest trading condemns *riba'* which should mean both usury as well as exploitation in other forms. The fact that the Quran goes to the extent

of declaring war against those who do not stop the practice of *riba*' should make us think seriously about its implications. The Quran basically stands for a just society and anything that disturbs achievement of this goal is viewed very seriously by the Quran. It is not only banking interest which is generally emphasised by the 'ulama and some other modernists among Muslims but all exploitative practices including unjust profit which is condemned by the Quran by using the word *riba*'. Thus *riba*' should also include profit. In an industrial economy it is profit which is more exploitative than interest. But today in Islamic countries it is only interest which is under attack and profit is accepted as legitimate. Islamisation of economy is sought to be achieved merely by setting up interest-free banks while allowing the whole range of other exploitative practices to continue.

An Islamic industrial policy cannot view such a situation with equanimity. It supports only the ruling classes which are responsible for perpetrating socio-economic injustices in the society. A correct Islamic industrial policy would not merely concentrate on abolishing banking interest which leads to further distortions in the economy and leaves the powerful vested interests untouched. It would, on the other hand, attack all those practices, including profit, which negate the Quranic concept of social justice and harm the weaker sections of the society. An Islamic industrial policy would seek to achieve the dual objectives of growth and social justice. It is not enough to measure the rate of growth in absolute terms in the economy. As far as the Islamic policy is concerned it would stress producing those goods which are needed by the working classes and other toiling and weaker sections of the society.

This brings to the fore another important question i. e. the question of freedom of private enterprise. The private sector may not show much interest in the areas of manufacturing of such commodities as they yield low profit. Either the Islamic industrial policy would compell the private sector to invest in these areas or in the event of its refusal, nationalize the concerned industries to achieve the objective of social justice. In any case the objective of social justice is more fundamental to Islam than the freedom of the capitalists to earn profit. Imam Ibn Taymiyyah summarises this in his well-known principle that the public good

(*masljha-i-ammah*) has precedence over private good (*masliha-i-khassah*).

The Islamic industrial policy, in other words, would positively discourage what has come to be known as consumerism. The western capitalist economy is mainly based today on consumerism and manufacturing of sophisticated weaponry. It has been aptly termed as military-industrial complex. As far as the Islamic industrial policy is concerned it is not enough to ban manufacture of liquor; it would emphasise banning manufacturing all those items which are based on artificial needs created through high pressure publicity. Such artificial needs not only introduce distortions in the economy which go against the interests of weaker sections of society but also lead to exploitation of the peoples of other countries which is equally unjust. Western capitalist economies thrive on exploitation of the peoples of other countries. The Islamic industrial policy will also have to put strong curbs, if not altogether ban, advertising which happens to be integral part of capitalist economies. Advertising could be permitted as an informative agency, not as an agency to create artificial needs for the benefit of unscrupulous capitalists. Advertising will have to be guided by certain ethical principles.

Also Islam does not approve of military-industrial complex. Weapons could be manufactured only to meet defence requirements, not to prop up sagging economy or to provide super-profit to their manufacturers as direct consequence of this is to promote war. Islam is a religion of peace and permits only defensive war. It cannot permit promoting the cause of merchants of death. Business in weaponry should be considered as strictly un-Islamic. In respect of war the Quran says, "Fight in the way of Allah against those who fight against you, *but begin not hostilities. "Lo ! Allah does not love the aggressors"*,<sup>13</sup> (emphasis added). It is very clear from the above verse that the Quran does not permit war of aggression in any case. There is thus no place for developing military-industrial complex in an Islamic economy.

Workers' participation in management and share in profit would also constitute one of the fundamental aspects of Islamic industrial policy. It is the workers who are the real producers of commodities and according to the Quranic ethics one must be duly rewarded for what one strives for. The workers cannot, therefore, be deprived of the just share of their efforts.

In conclusion, we can say that the Islamic industrial policy cannot be based only on profit motive as is the case with the western capitalist economies. Its basic thrust would be promoting social justice by putting an end to all the exploitative practices. It would not hesitate to put strong curbs on private sector or abolish it altogether depending on the requirement of social justice. It would take measures to regulate production with a view to benefit weaker sections of society as long as they exist. It would not permit advertising in unrestrained way. It would be permitted only to undertake promoting information for the benefit of consumers. It would accord top priority to manufacture of those goods which meet the basic needs and strongly discourage wasteful consumerism which does not promote social good. Also, it will justly reward, in keeping with the Quranic ethics, all those who contribute towards production of commodities and those who are direct producers. In other words promotion of social justice and meaningful social existence would be the very *raison d'être* of Islamic industrial policy.

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## ISLAM AND NATIONALISM

Islam and nationalism are often considered as contradictory terms. Apart from theologians, many other Muslims trained in modern disciplines also maintain that Islamic internationalism is both political as well as religious. Even a great Muslim thinker like Dr. Iqbal entered into polemics on this question with Maulana Husain Ahmed Madani, a leader of nationalist Jamiat-ul-Ulama and the rector of Darul-ulum-Deoband. Strangely enough, Iqbal defended Islamic internationalism and Maulana Madani composite Indian nationalism. Maulana Madani, in support of his position, quoted profusely from the Koran. Main thrust of the Maulana's argument is that the word *qaum* (community or nation in the modern context) has been used over two hundred times in the Koran but no where it is indicative of separate *qaumiyyat* (nationhood) for believers and unbelievers, for prophets and kafirs. On the other hand, quoting the verses, the Maulana proves that the Koran asserts that His prophets and kafirs belong to the same *qaum*; the only difference between them is that of belief.

Nationalism is a territorial or geographical concept, not religious one. Apart from territory its other determinant factors are language, culture and common economy. The Koran too, apart from territory, recognises the significance of these factors in a very explicit way. The Koran says "For every folk *qaum* is a guide" (13 : 7). Also, it says, "And we never sent a messenger save with the language of his folk" (14 : 7). Thus we see

that Allah has sent His messengers to different folks or communities in their own languages. The commonalty of territory and language is duly recognised by the Koran. Even cultural and ritualistic differences have not been overlooked. "Unto each nation" says the Koran, "have We given sacred rites which they are to perform ; so let them not dispute with thee of the matter, but summon thou unto thy Lord. Lo ! thou indeed followest right guidance." (22 : 67)

The Koran having recognised all the important determinants of *qaumiyyat* (nationhood) i.e. language, culture and territory it would not be in the right spirit of the Koran to maintain that there is no place for nationalism in Islam. Even the practice of the Prophet (*sunna*) gave it a due recognition by entering in to a pact with different tribes and religious groups of Madina to constitute a political community. This pact, has been referred to in the Islamic history as *Sahifah*.

Referring to it and quoting Ibn Ishaq, the first biographer of the Prophet, Ibn Hisham tells us : "Ibn Ishaq said that the messenger of God drew up an agreement between the immigrants and the helpers (and) in which Jews were also included. They (i. e. the Jews) were allowed to follow their religion and retain their properties. Some conditions were laid down on them and they were allowed some conditions. (See Ibn Hisham *Sirah* Vol. 1, Cairo, 1332 A. H.). The sunna of the Prophet thus shows that a political community, comprising followers of different faiths, can be created on the basis of a mutual pact. For the tribal-ridden Arabia of the Prophet's day, this pact was nothing short of a political revolution.

The noted orientalist Nicholson comments : "No one can study it without being impressed by the political genius of its author. Ostensibly, a cautious and tactful reform, it was in reality a revolution. Muhammad durst not strike openly at the independence of the tribes, but he destroyed it, in effect, by shifting the centre of power from the tribe to the community." (R. A. Nicholson, *A Literary History of the Arabs* (Cambridge, 1907, pp-173). It was on the basis of this pact that the Jamiat-ul-Ulama-i-Hind justified its stand on composite nationalism and accepted the Congress ideology. Thus both the theory and (the

Prophet's) practice of Islam do not contradict the modern concept of nationalism.

Even in Pakistan which is supposedly based on the Islamic concept of polity this question is far from resolved. The ideology of Pakistan itself has run into rough weather. Those who-and the Jamaat-e-Islami people are prominent among them-reject the territorial concept of nationalism have to face many embarrassing questions. If the geographical nation is antithetical to Islam can any Muslim, from any other country, be allowed to settle in Pakistan? Obviously, even the Jamaat government, if ever formed in Pakistan, would not be able to follow any such course.

It is very difficult to reject in practice, if not in theory, the reality of modern concept of nation-state. The Jamaat-i-Islami, whatever its theoretical formulations, cannot easily come to terms with the complex reality by rejecting territorial nationalism in practice. Religious nationalism becomes a contradiction in terms. It is very difficult for the people of diverse cultures, languages and modes of living to constitute an homogeneous nation. It was precisely for this reason that the earstwhile East Pakistan seceded from Pakistan. There was, among the people of East Pakistan, an acute sense of separate language and culture. This, coupled with an equally acute sense of economic injustice, finally brought about the inevitable separation.

The Jamaat, as is well known, believes in religious nationalism, if it can be so described. It believes that religion of Islam is sufficiently strong bond for a viable unity and to constitute a State. While the international religious unity has been a distinguishing trait of the history of Islam, political unity has never been its automatic fall out. One must distinguish between religious unity and political unity. It would be a serious mistake to treat them on par. The eminent historian Ibn Khaldun too was aware of this fact. His theory of *'asabiyah* (group solidarity) bears this out. He maintains that the feeling of group solidarity is essential for retaining power. According to him, different groups with different opinions and desires cannot coexist cohesively, despite one religion.

Giving example of this incompatibility he says, "One may compare what has happened in this connection in Ifriqiyah and the Maghrib from the beginning to the present time. The

inhabitants of those lands are Berber tribes and groups. The first (Muslim) victory over them and the European Christians (in the Maghrib) was of no avail. They continued to rebel and apostatized time after time.....After the Muslim religion had been established among them, they went on revolting and seceding, and they adopted dissident religious opinions many times." (Ibn Khaldun *The Muqaddimah*, tr. by Franz Rosenthal and abr. by N. J. Dawood, Princeton University Press, 1970, pp-130-31).

In view of these empirical facts since early period of Islam it would be difficult to maintain an ideological position against the concept of nation-state. However, the recent Iranian revolution has once again given spurt to the idea of Islamic internationalism. In a Haj seminar held in August 1982 by the Muslim Institute in London. Dr. Kalim Siddiqui said that, "The Islamic movement must commit itself to the abolition of nation-states that divide the *Ummah* in the fashion of a jigsaw puzzle."

Dr. Siddiqui insisted on redrawing the "entire map of the Muslim world." He suggested that the 40 or more Islamic nation-states be replaced by four regional Islamic-states. According to him a new Islamic State will emerge in the Far East 'taking in modern Indonesia, Malaysia, Bangla Desh, and parts of the Philippines, Then there will be an Islamic State consolidating Pakistan, Afghanistan, Iran, Turkey, Iraq, Syria, Jordan, Palestine, Lebanon, the Gulf States, the Arabian Peninsula and areas now under Russian colonialism. The third Islamic State would include Egypt, Somalia, the Sudan, and thd States of North African coast up to and including Morocco and Mauritania. The fourth new State would take in Chad, Niger, Nigeria, Mali, and little republics that are strewn along the western and southern coast of West Africa from Senegal to Gabon. "(see *Crescent International*, Canada, August 16-31, 1982).

Perhaps, Mr. Siddiqui lives in the world of his own, away from the harsh realities. His scheme can, at best, be described as a 'vision run riot'. When even two nations like Egypt and Libya, or Iraq and Syria could not combine despite ideological affinity and repeated efforts, how the nations lacking any cohesion and ideologically at logger-heads combine into such colossal regional union of States. Many of the States like Iran and Iraq, Pakistan and Afghanistan, which Siddiqui proposes to weld

together are at war with each other and are deeply divided by racial ethos, apart from unbridgeable ideological differences. Siddiqui is so overwhelmed by the sense of Islamic unity in its ideological sense that he, at one stroke, sweeps away all other dividing factors altogether. Even if there is ideological cohesion and common political vision, the fact of imbalance in economic development would rend two nations apart. What if, apart from economic imbalance, there are cultural, linguistic, ideological and political differences. In such an event, let alone unity, even co-existence would be difficult to achieve.

No Arab country, however, rich in its oil resources, views with equanimity, the prospects of Muslims from other countries settling down and sharing their riches. There also has been controversy about the Arabs and non-Arabs. The Ikhwanul-Muslimin, a counter part of the Jamaat-i-Islami in the Arab world, stands for Islamic internationalism and rejects the concept of the Arab nationhood propounded by the Egyptian leader Gamal Abdal-Nasir. However, the Ikhwan view has failed to evoke emotional appeal in the Arab world. It remains an ideological position of a fringe-group. The Arab nationalism vis-a-vis Islamic internationalism has been a predominant trend throughout the world including the Saudi Arabia which provides leadership to the conservative Arab regimes. The Arabs themselves are divided into many nation-states and have, among themselves, sharp internal contradictions. The Arab nationalism acquires overwhelming force, transcending nation-state barriers, only during a period of grave general crisis. Here too the intra-state contradictions sometimes are so intense that even a grave crisis fails to generate powerful ethos of Arab nationalism. This was witnessed very well during the Israeli aggression over Labanon. When the Palestinians were being massacred in Labanon, the Arab world was witnessing the gory drama in silence as the different Arab countries could not resolve their mutual differences.

The nation-state remains, at least in the present era, a firmly rooted reality. Islamic internationalism, at best, has remained an ideological position of certain groups in the Islamic world. This ideological position is completely at logger heads with the empirical reality. The Iraq-Iran war is another evidence if any more evidence is needed. Saddam Husain of Iraq had initially

thought that with the Arab armies marching into Iran, the Arabs of Khuzistan (an oil-rich province in Iran) would rise in revolt, a wish which remained unfulfilled. Also, Khomeini, since he came to power has been giving stirring call to the Shi'as of Iraq (of course the appeal is not directed explicitly to the Shi'as but the implication is for anyone to see) to revolt against the Saddam regime, a wish that did not materialise even after the Iranian army entered the region of Basra which is predominantly inhabited by the Shi'as. In both the cases national interests, if not powerful national feelings, had the better of Islamic feelings or sectarian solidarity.

I am not saying that the concept of nation-state is an ultimate aim of human progress in the field of politics. For from it, I am only trying to say that while upholding an ideological position, one cannot ignore empirical reality which is a product of certain socio-economic forces. These socio-economic forces have had their way throughout the history of Islam and the vision of unified ummah, except for a brief period, could never be realised. The political unity of ummah was shattered for ever after the decline of the Abbasid empire. The nation-states of our time would begin to decline, if at all, not because of Islam but despite it.

## ARABISM AND PAN-ISLAMISM

Islam, claim many prominent Muslim thinkers, is international in its ideological<sup>1</sup> sweep and recognises no territorial boundaries. Nation states, these thinkers argue, have therefore, no place in Islam. Although, these Islamic thinkers have not spelt out any clear-cut alternative to the idea of nation-state, pan-Islamism, essentially of nineteenth century origin, has tremendous emotional appeal. Muslims, in general, have taken it as an integral part of Islamic dogma. Arabism, as against pan-Islamism, is considered by the Islamic purists as a racial, territorial, linguistic and cultural category and hence condemned as un-Islamic. First let us examine the sources of Islamic teachings and historical precedents in order to draw proper conclusions.

It is a fact of history that the Prophet of Islam preached in Mecca which was considered as the principal town of Arabia and wherein the most advanced of the Arab tribes Quraysh lived and carried on international (the word is being used in a qualified sense here as the concept behind it is of rather recent origin) trade with China, India, South Yemen, Syria and Byzantium via Syria. Mecca, for this reason has been referred to as *umm al qura* (the mother of towns) and the Quran has given great importance to this town when it makes the Prophet say: "I am commanded to serve the Lord of this city (i. e. Mecca) which He has hallowed"...<sup>2</sup> The Prophet was thus, duly proud of his native town and it received divine sanction also. Mecca being the principal town of Arabia, it can be said that the Prophet of Islam was justly proud of being Arab.

However, this sense of belonging to a place and to a cultural and linguistic community had by no means any narrow or chauvinistic implications. This was duly balanced by the Quran by maintaining that "for every nation we have sent a guide"<sup>3</sup> and "there is no nation but a warner has passed among them"<sup>4</sup> and that "We never sent a messenger save with the language of his folk, that he might make (the Message) clear for them."<sup>5</sup> God also says in clear words "For each (nation) We have appointed a divine law and a reached-out way. Had Allah willed he could have made you one community. But that He may try you by that which He has given you (He has made you as you are). So vie one with another in good deeds."<sup>6</sup>

All the above Quranic verses make it absolutely clear that any one nation as such has no privilege over the other. Language, culture and even religious rituals (*manasik*) may be different; in fact this diversity is God's own desire so that He may test His servants. What is stressed is good deeds, *not* rituals which may differ from nation to nation, people to people. These verses are clear warning to those purists who wish to impose one rigid model of Islamic State (of which the Quran has given no concept whatsoever) on all the countries and nations. The Quran, unlike the thinking of these purists, stresses diversity, not rigidity. There cannot be any single model of State applicable for all the people and for all the time. Even the Islamic history does not bear it out. The very concept of unity of *ummah* as one nation and under one State has no explicit or implicit sanction of the Quran. Thus, by pan Islamism if one means this kind of unity, one is talking, besides of impossible, also of something which is his own construct, not divinely enjoined in the traditional sense.

Thus, in divine revelation there is neither sanction for mere Arabism-taken in the sense of language, nation or culture, nor for pan-Islamism taken in the sense of political unity.<sup>7</sup> Arabism was never accorded any superiority over other culture or nation. Not in a single verse of the Quran the Arabs have been addressed. The general form of address in the Quran is O, you faithfuls or O, you people.<sup>8</sup> Apart from the Quranic position it is also important to know what has been the actual practice from the early days of Islam. Did Arabism prevail over the unity of *ummah* after the non Arabs embraced Islam in large numbers ?

Until the Umayyad period which ended in the second half of Islamic century Arabism undoubtedly reigned supreme. Even for the successor of the Prophet (elected by the tribal chiefs, eminent companions of the Prophet present in Medina) it was made obligatory that he be of Qurayshite stock from Mecca—a doctrine seriously challenged later by the *Kharijites* (i. e. the seceders from the Islamic mainstream). Consequently, all the first four rightly guided caliphs were of the Qurayshite stock.<sup>9</sup> The Umayyad caliphs also came from the same stock. The Abbasid caliphs who captured power after overthrowing the Umayyads also staked their claim to caliphate on the basis of their relation with the Prophet.

During the Umayyad period the Muslims of non-Arab stock were treated as inferior. A Muslim was either an Arab or a client (*mawla*) of an Arab tribe, there being no independent status a Muslim. It gave rise to great discontent among the Muslims of non-Arab origin. They resented their sub-ordinate status to the Arabs and often rose in revolt. However, the situation changed slightly by the time Abbasids took over. In fact the Abbasid revolution reflected the hopes and aspirations of the non-Arab Muslims, specially of the Persian origin. It is interesting to note that since the early period of Islam it is the Muslims of non-Arab origin who have stressed more the Islamic unity rather than the Arab unity as the former benefitted them more by raising their status equal to that of the Arabs. It is also equally interesting to note that most of those who believed in reason and free will (generally known as M'utazalites) were of Persian stock and later on it is they who controlled key administrative positions in the early Abbasid period.

There always was felt tension between Arabism and Islamic unity in general; the Quranic ideal, on the other hand, has been unity of mankind, of all those who have faith in *tawheed* (unity of God), *akhirah* (world hereafter) and the day of judgement whether they be Christians, Jews or Sabaens or followers of any other religion. The Quran says, "Lo ! those who believe, and those who are Jews, and Sabaeans, and Christians-whosoever believes in Allah and the Last Day and does right-there shall no fear come upon them neither shall they grieve."<sup>10</sup> Until the decline of the Abbasids in the twelfth century A. D. Arabism remained predominant as a political force and the Islamic unity

remained only an ideal to be professed but not to be practiced. After the fall of the Abbasids many independent Islamic regimes of non-Arab Muslims in different areas came into existence and slowly the centre of political power shifted to Turkey. Until the end of first World War, Turkey had its domination over most of the Arab world.

## II

The concept of pan-Islamism was first popularised in 19th century by the struggle waged by Jamaluddin Afghani against British imperialism. Afghani stressed Islamic unity to successfully liberate the Islamic world from the imperialist domination. However, his emphasis was primarily on political unity. Needless to say, even Afghani who was highly committed man of great missionary zeal failed to achieve this objective. Observes W. C. Smith "Pan-Islam is, and always has been, primarily a sentiment of cohesion. It is not cohesion itself; or any institutional or practical expression of it. The unity of the Moslem world is a unity of sentiment. Attempts to activate it into concrete form, to express the unity on political or other levels, have in modern as in earlier history broken on the rocks of restive actuality. Jamalud-din Afghani reasserted it, but the political expression that it found, in Ottoman plans of Abdul Hamid, was, to say the least, unfortunate; and the failure was stark."<sup>11</sup>

In fact Sultan Abdul Hamid, the Ottoman emperor, used Jamaluddin Afghani and his concept of pan-Islamism for his own ends and Jamaluddin realised it too late in the day. His dream was shattered. Even otherwise, as correctly pointed out by Smith, pan-Islamism has never been more than a sentiment, although quite powerful and attractive. Not only that, it could never acquire any institutional form, even attempts for unity between the two countries like Libya and Egypt during Nasser's time, between Egypt and Sudan during Sadat's time and between Iraq and Syria in the early seventies, always came a cropper. We will analyse the causes of this failure little later.

Another important attempt in the direction of Islamic unity after Jamaluddin's failure was made by the Indian 'ulama' by launching the Khilafat movement. It was essentially a pan-Islamic movement as the Ottoman caliph of Turkey was declared by them

as the titular head of Islamic caliphate. However, it proved to be no more than a romantic move. Even persons like Maulana Abul Kalam Azad criticised the movement in 1925. Thus, Moin Shakir points out :

“Besides, the end of the Khilafat Movement was practically the end of the romantic phase of the Muslim leadership. It revealed to Azad the futility of spiritualised politics and of pan-Islamism as an instrument for the liberation of India. The abolition of the institution of Khilafat shocked Mohammad Ali and drove him to nationalism; Iqbal did the same. But it brought Azad closer to Indian nationalism. The Indian nationalism as it was conceived by Azad was neither Hindu nor Islamic, it was secular and was directed towards a synthesis of Hindu and Muslim culture.”<sup>12</sup>

After his abandonment of politics of romanticism, Azad even maintained that “Differences will no doubt persist. But they will be economic, not communal.” and that “Class and not community will be the basis of future alignments, and politics will be shaped accordingly.”<sup>13</sup>

Smith also describes the Khilafat movement as “perilously romantic” and he goes on to say “It is worth noting that this ideal of an integrated Muslim brotherhood, comprehending all the faithful in a united social grouping, has from the first been a compelling but an unrealized dream. It was deep in the religious consciousness of pristine Islam, and has retained its force. But it was the first major Islamic ideal to be in fact shattered by history.”<sup>14</sup>

However, the idea of Islamic unity has been having a tremendous—almost undying—force throughout different periods of history. Perhaps, for human mind more perilously romantic an idea is, more emotional potential it tends to have. Despite the fact that it has been repeatedly shattered by history, it has been reborn. Or, thinkers like Iqbal, have sought to explain away its failure without losing faith in it. Iqbal says :

“For the present every Muslim nation must sink into her own deeper self, temporarily focus her vision on herself alone, until all are strong and powerful to form a living family of republics. A true and living unity..... It seems to me that God is slowly bringing home to us the truth that Islam is

neither Nationalism nor Imperialism but a League of Nations which recognizes artificial boundaries and racial distinctions for facility of reference only, and for restricting the social horizon of its members.”<sup>15</sup>

In fact Iqbal, in above words, is echoing what has been emphasised in the Quran : “O mankind ! Lo ! We have created you male and female, and have made you nations and tribes that you may know one another. Lo ! the noblest of you, in the sight of Allah, is the best in conduct.”<sup>16</sup> However, reality—and it has been universal experience—proves no less stern than man’s faith, howsoever, strong and undying. Unity of all Muslims, let alone the unity of mankind divided into desparate races, cultures and territorial units, has never been realised. The disvisive forces of race, culture and territory—as much strong in the case of Muslims as in the case of any other community—have proved stronger than the fragile bond of faith. History cannot be expected to be less ruthless in its facticity for any community, whatever its religious faith. All one can say for those who are unyielding in their idealism is that in their case the felt tension between actual and potential is much higher than in case of those who are more respectful of reality. And here I am not passing judgement on superiority of one category over the other.

### III

The idea of Arabism and Arab nationalism, although in existence before Nasser, began a powerful factor after his emergence on the Egyptian scene. Arab nationalism as a practical necessity was stressed before Nasser also. “In Egypt”, says Anouar Abdel Malek, from the Wafd of 1939–45 to *The Philosophy of Revolution*—the Arab movement was seen as a historic and cultural necessity, as an instrument of political and economic realism, in sum, as the complement to the individual growth of Egypt.”<sup>17</sup> Abdel Rahman Azzam Pasha, the first secretary—general of the League, had written, “In reality we are in urgent need of all the Arab countries. As an Egyptian, I say that our future is tied to our need of the Arab countries more than to their need of Egypt.....On the economic level we need the Arab States, which, as has been demonstrated, possess the richest resources in the raw materials essential to our future industry and which at the same

time constitute the only market open to our future life.”<sup>18</sup> Similarly, Talaat Harb, the founder and president of the Misr Complex (the biggest industrial group of Egypt) had stressed common Arabism as early as 1925. He considered it necessary to “sustain the spirit of the Orient.....”<sup>19</sup>

However, it was Nasser who first expressed it as a coherent philosophy so much so that according to Peter Mansfield “Arab nationalism and pan-Arabism are terms that today are inevitably linked with Nasser.”<sup>20</sup> Nasser denounced those who opposed the idea of Arab nationalism and considered them as friends of imperialism. He said in his March 9, 1958 speech :

“The forces of imperialism have spared no effort in their active attempts to alienate the heart of the Arabs, to divide them artificially into countries, states, clans and parties, and to sow the seed of discord and hatred among them. These forces have likewise sought to destroy Arab nationalism at the very heart of the Arab Nation, in Palestine, and to establish Zionist nationalism in its place.....”

He disagreed with those who called it an artificial movement and said in his speech of September, 1958 :

“It is said that this is an artificial movement. That is not true. No one could create such a movement within the Arab world. It is in reality a movement deeply rooted in our hearts, in every man’s heart, as it is in our lives. Every man among us is steeped in it. That is why, when the revolution occurred in Iraq, Arab nationalism triumphed in Iraq and rejoiced in it.....Our strength arises out of the solidarity that manifests itself in Arab nationalism, it is the powerful weapon of which we were so long deprived and whose power we are now using.....”<sup>21</sup>

However, the concept of Arab unity, or even Arab identity for that matter was not easily acceptable for the intelligentsia of Egypt on one hand, and, on the other, to the members of the Ikhwan al-Muslimin. The Egyptians took pride in their unique identity based on their ancient culture. Thus, Anouar Abdel-Malik points out :

“While Arabism was taken for granted in the northern region of the UAR (Syria), it is revealing to observe the

efforts exerted by the government to rally Egyptian minds to the credo of Arab nationalism. In the last analysis it was a matter of convincing the Egyptian public opinion of the basic, indeed ancestral Arab character of Egypt. Previously, in 1956, Ahmed Baha 'Eddine had discovered, in the work of the Egyptologist Moharram Kamal, then curator of the Egyptian Museum in Cairo, on *The Influences of the Civilization of the Pharaohs on Today's Egypt*, a disturbing volume that threatened to provide a scientific platform for those who opposed the dissolution of the Egyptian personality in the bosom of Arabism."<sup>22</sup>

Muhammad 'Amarah in his book *'Indna Asbahat Misr 'Arabiyyah* (When Misr became Arabised) published from Lebanon, 1974 argues that until the rise of the Fatimid empire in Egypt in early tenth century A.D. it was under the influence of old Coptic culture and it was only during the Fatimid period that it was completely Arabised. Dr. Taha Husayn, the well known Egyptian scholar, also took pride in Egypt being closer to West rather than to East and was proud of its ancient culture. Muhammad Jabir al-Ansari in his book *Tahawwulat al-Fikr wa al-Siyasiyah fi al-Sharq al-Arabi*<sup>23</sup> has devoted a chapter on Arabisation of Egypt politically in which he throws light on the controversy among the intellectuals of Egypt about its Arab connection and Arab identity.

Note must also be taken of, on the other hand, of the feeling of superiority over Egyptians among a section of the Syrian Arabs. Thus, says Mansfield, "Some of the Asian Arabs, it is only fair to report, have a racial awareness that denigrates the Egyptians. The Parti Populaire Syrienne, which flourished in the 1930s and 1940s, was strongly tinged with ideas of Syrian Arab racial superiority. After the formation of the Syrian-Egyptian union in 1958, one Syrian intellectual remarked: 'This is the first case in history of a black nation colonizing white one.' His tongue was only half in his cheek."<sup>24</sup>

However, this is not to underrate the popularity the concept of pan-Arabism enjoyed during the Suez canal crisis. Nasser undoubtedly emerged as a great hero and champion of the cause of the Arabs. In all the Arab countries there was demonstration of solidarity with Egypt by the general public when the Suez

was attacked. There took place general strikes in Iraq, Syria, Jordan, Lebanon, the Sudan, Libya, Tunisia, Morocco, Bahrein, Qatar, Kuwait and Aden ; student and worker demonstrations; the enlistment of volunteers for the defence of the Canal ; effective sabotage of the pipe line on the Syrian-Iraqi border and Homs as a taken of reprisal. Abdel Malek points out :

“The wave of solidarity that spread from Tangier to the Arabian Gulf brought to light a new leadership whose action proved more effective than that of the traditional politicians: the Arab labor unions, particularly in the oil industry. It was the action launched at the time of Suez from which the two powerful Arab labor federations were born: the International Federation of Arab Trade Unions (IFATU) and the Arab Federation of Oil and Chemical Industry Workers (AFOCIW).”<sup>25</sup>

The Arab nationalism acquired a popular base since then. The new breed of politicians emerging in Iraq and Syria, specially those belonging to the Baath party, swore by it. The ideas of Michel Aflaq and Clovis Maqsd, the Baath theoreticians, had profound influence over the nationalists in Egypt by virtue of their cogency and polemic philosophy. Both the theoreticians put fundamental emphasis on Arabism. Michel Aflaq also emphasised the integral connection between Arabism and Islam. Way back in 1943, in his address “Dhikra al-Rasul al-‘Arabi” (Remembering the Prophet of Arabia) he had said that connection between Islamic movement and Arabism is not of recent historical origin only, neither it is merely spatio-temporal or of cause and effect but in its depth and intensity it is directly connected with the lives of the Arabs absolutely. It is authentic form and perfect and permanent symbol of the Arabian nature and a rich potential..... Thus, we see that Arabism was not devoid of its Islamic dimension. Nasser too stressed this integral connection between it and Islam. “Is it possible”, Nasser says in his *The Philosophy of Revolution*<sup>26</sup> written in 1953, “for us to ignore the fact that a Moslem world exists to which we are bound by ties that not only are those of religion but are attested to by history ?”

However, Ikhwan al-Muslimin, founded by Hasan al-Banna in the late thirties, rejected the concept of Arabism and stood by

Islamic, rather than Arab unity. Banna believed in reviving pure Islam. In the initial stages of his regime Nasser faced powerful challenge from the Muslim Brotherhood. The Brotherhood in those days was being led by Moneim Abdul Raouf. There was attempt on Nasser's life by one of its members and this gave Nasser an opportunity to liquidate it in Egypt. Although, thereafter, the Brotherhood lost its base in Egypt but it continued to be a force in Syria. The conservative Arab regimes like those of Saudi Arabia and other Sheikdoms also emphasise Islamic unity vis-a-vis the Arab nationalism.

#### IV

However, the recent Iran-Iraq war has again brought into being an interesting polarisation of Arab nationalism and the Bathist regime of Iraq is now found in the company of Saudi Arabia and other conservative Arab regimes. The Iraqi propagandists have been stressing Arab unity and Arab nationalism in their war against Iran. The Iraqis, a careful sifting of the issues of 'Baghdad Observer' clearly show, have gone much beyond Arabism to good old Babylonian days, to show animosity between the peoples of Iraq and Iran. Ayatullah Khomeini, on the other hand, is taking resort to Islamic unity and denouncing the concept of Arabism. He has been projecting his government as Islamic and has been appealing in the name of Islam. His speech made at the third anniversary of Islamic revolution in February, 1982 is full of pan-Islamic appeal. In this speech<sup>27</sup> he projects Islam as an oppressed religion (*Mazlum*) and appeals to the delegates who have come to Iran to attend the 3rd anniversary celebrations to come to the rescue of the oppressed Islam and Muslims. This is, after Jamaluddin Afghani, perhaps the most fervent appeal for pan-Islamism.

However, despite Khomeini's passionate appeals, pan-Islamism is foundering on the rock of nation-state reality. The hollowness of Khomeini's appeal becomes obvious from the fact that he has failed to solve even the internal problem of Kurdish nationalism. He is not prepared to concede autonomy to the fiercely independant Kurdish people. How can he then liberate himself from narrow territorial limits of his own nation-state? Why is he then fighting so fiercely for a few thousand square

kilometres of disputed territory with Iraq when he does not believe in narrow geographical boundaries? Why does he not show magnanimity to solve this problem in the spirit of Islamic internationalism thus sparing his country and people the agony and destruction the war with Iraq is causing, if he seriously believes in Islamic unity? To accept or not to accept the Saddam regime should be left to the people of Iraq. The fact is that Islamic unity is no more than a propaganda weapon.

One of the Khomeini's supporters in the Arab world Gaddafi still stresses Arabism, and not Islamic unity. On the eve of twelfth anniversary of declaration of creation of Union of Arab Republics, *Al-Zahaf al-Akhdar*, the official organ, writes, "The creation of the Union of Arab Republics came at a time when here existed comparatively appropriate conditions for Arab unity. Had it not been for the treason which put an end to this bold experiment in unity, the Union of Arab Republics could have paved the way for an all-embracing unity."<sup>28</sup> This paper published under the Libyan official auspices talks of 'Arab Destiny and Fate' and on Arab Nationalism it says :

"In its essence and origin. Arab nationalism is a feeling and the Arab Nation and its ties to the Arab homeland are the results of that feeling. It is this common bond of sentiment which has enabled the Arabs to lay claim to a single nationalism, which pays no regard to the artificial division of the Arab homeland.....The feeling that is Arab nationalism is the result of a combination of factors, such as economy, geography, history, language and religion, which have drawn the Arabs together."<sup>29</sup>

Even Arab unity, which is comparatively more realistic than Islamic unity, is still only a dream. The Arabs are hopelessly divided thanks to imperialist designs and their own powerful vested interests. Arab unity too, in the present circumstances, seems, at best, a distant goal. Nation states seem to be the only viable alternative.

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'divine'. Nevertheless the word ideology has found currency in twentieth century Islamic literature.

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3. *Ibid* 13 : 7.
4. *Ibid* 35 : 24.
5. *Ibid* 14 : 4.
6. *Ibid* 5 : 48.
7. It is interesting to note that some later jurists tried to impose the concept of Arab superiority, contrary to the spirit of Quran, by maintaining that God made it obligatory to derive the main content of the Prophet's *Shari'a* from the Arab habits and way of life after refining it through His Prophet. See Shah Waliullah's commentary on the Quran *Al-Fauz al-Kabir fi usul at-Tafsir* published in Arabic translation with explanatory notes by said Ahmad bin Muhammad Yusuf al-Banburi from Deoband. n.d. pp. 142.
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## ISLAM AND HUMANISM

Islam is one of the major religions of the world having over 800 million followers. Over last thirteen hundred years or more, it has played vital role in shaping spirituo-temporal destiny of millions and millions of people. Islam, as distinguished from Christianity, is a temporal project, wanting to usher in 'the kingdom of God' here on earth, not putting off to hereafter. Christianity originated in a society dominated, tyrannised and oppressed by the Romans and hence glorified love and suffering. A society beset with internal decay and external domination is compelled to draw upon its inner reserves to stand upto sufferings. Christianity, therefore, emphasises concept of God as Love. Islam, on the other hand, originated in a free society (although more primitive and devoid of culture) whose people were aspiring to spreadout and dominate and hence it glorifies power and lays equal emphasis on historical and temporal and emphasises concept of God as Power. Islam conceptualises man as vicegerent of God on earth and symbol of His power. (Man has been designated as khalifat-allah-filard). He uses power as instrument to realise the ideals prescribed by Allah and his Prophet. Islam, therefore, in the minds of most of us evokes the feeling of power and domination, and rightly so.

Does Islam—this question naturally arises—accord well with humanism ? The answer depends on many historical, sociological and political factors, and no less on the concept of humanism. I do not wish to deal with mere abstract ideals as people normally

do and straight away reply the question in affirmative. If we talk on the plane of ideals only, any religion can be said to accord well with humanism, religion in its widest sense being embodiment of ideals. But by so doing we will be ignoring historical reality and concrete social milieu within which an ideology—be it political like communism or religious like Christianity or Islam—finds expression and flowers into temporal project. We will, therefore, have to distinguish between the ideal as conceived and the ideal as achieved. Let us—keeping this in view—examine Islam as well as humanism in the concrete historical milieu.

Is-lam, as is well known, originated in a trading centre Mecca which was surrounded by desert inhabited by nomadic tribes. The people of Mecca were of this nomadic stock to begin with. However, they had long settled in an urban centre and took to trading. The tribal morality came into clash with a newly emerging morality needed by a mercantile class to ensure the forward thrust of the society. But they were living under the shadow of tribal society. This conflict led to a malaise and the prophetic genius of Muhammad set out to remedy it. Let us explore what the tribal morality was and how did it influence the emerging morality of Islam. It is interesting to note that Montgomery Watt who is a celebrated scholar of Islam describes—and aptly so—the nomadic religion of the Arabs as tribal humanism. He says, “The religion by which the Arabs really lived may be called tribal humanism. According to this the meaning of life consists in the manifestation of human excellences, that is, all the qualities that go to make up the Arab ideal of manliness or fortitude. The bearer of these excellences is the tribe rather than the individual. If they are seen in the life of an individual, that is because he is a member of a tribe which is characterised by them. The thought that is uppermost in the mind of the individual is that of the honour of the tribe. Life is meaningful for him when it is honourable, and anything involving dishonour and disgrace is to be avoided at all costs.”<sup>1</sup> *Muruwwah*, which is difficult to translate into English but broadly means all manly qualities, sums up this concept of tribal humanism.

The tribal humanism of the Arabs in a way came close to the modern concept of humanism in as much as it emphasised achievements of human excellence. But, and this is important to

note, it also militated against it (humanism) in as much as it tied down the individual to tribe and for him tribal honour became the end of life. Individual freedom and faculty of reason which are essential ingredients of humanism were subordinated to the tribal honour. However, another bright side of the tribal morality was that whatever was appropriated by the tribe in its raids was equally distributed among its members and clients. Thus, all the members were equally taken care of. The Meccan scene was different. Due to growth of international trade, a few oligarchists had accumulated wealth and, like any trading society, acquisition of wealth became virtue. The rich merchants boasted of their wealth and disregarded other human values. This created an imbalance in the society along with its attendant conflict and tension. The Prophet sensed this danger and through the message of his new religion sought to restore balance in the society.

The early Meccan verses of Koran denounce accumulation of riches (in one Meccan verse it says : "Woe unto every slanderer and backbiter:who heap up riches, and prepare the same for the time to come! He thinks that his riches will render him immortal. By no means. He shall surely be cast into al Hotama."<sup>2</sup> Many more such verses can be quoted) and exhort the rich to spend in the way of God so as to ameliorate the lot of the poor, indigent and needy. As I said earlier the Meccans lived under the shadow of tribal morality and it was for this reason that the lowliest of that society were much more restive as they had known the tribal equality and egalitarian ethics. The Prophet too had closely observed the tribal way of life as he had spent his childhood with his foster mother Halima who belonged to a nomadic tribe. He, therefore, re-emphasised the practice of equality and stressed the importance of egalitarianism. He declared that everyone was equal before God irrespective of his social status, colour and nationality. Even slaves, if they embrace the new faith, were promised same equality before God. But in practical life they remained slaves until liberated by their masters and, of course, the Prophet encouraged emancipation of slaves. It is interesting to note that although Meccan society, unlike the Roman society, was not a slave-holding one (in the absense of agriculture, plantation etc., slavery could not become integral to the economy) but, nevertheless, slavery did

exist. Slaves were mostly used for domestic chores, loading, unloading operations, looking after camel herds, practicing certain crafts like smithy etc. These slaves were mostly of foreign origin. The Prophet, although conceded equality of all before God, did not abolish slavery altogether (thoeretically it is permissible even today).

While discussing the ethical and moral concepts propounded by any religion, it is important to bear in mind the social desideratum of the dominant groups. Here on earth, therefore, empirical always dominates the transcendental and Islam, originated as it did in a concrete social milieu as discussed above, was no exception to the rule. Thus, while slavery was denounced in the realm of ideal, it was allowed to continue in practice although with exhortations to ameliorate their lot. The abolition of slavery would have led to upsetting the economic interests of the dominant group and, therefore, could not have been acceptable to it. Thus, even in Islam, like any other religion, equality and freedom, though considered to be great virtues, were unavailable to a certain section in the society, or at least it was so in practice. The economic hegemony and social stratification could not just be wished away. The classical Greek concept of humanism as well as its neo-classical revival in Europe during renaissance period too suffered from this dichotomy. What was meant by humanism was for certain class of people in that society. Even Plato in his 'Re-public' does not concede any right to the slaves. Let me make one thing very clear here. I am dealing with the problem as a sociologist and not as a theologian. As pointed out by Watt, in case of a sociologist "A member of a given community 'sees' the religious ideas of that community to be true because he holds the valuations of the community. Another member of the community, not holding the same values, does not 'see' the truth of the ideas, but tends to think them 'obviously' false in various ways. Thus, while the theologian is fundamentally concerned with men's beliefs and ideas about aspects of reality, the sociologist is concerned with a complex consisting of a way of life embodied in a society and having its appropriate values, morals, social structures and ideas, all these being interdependent."<sup>3</sup>

Ideals unrooted from social complexes become abstract concepts or unrealizable goals put on pedestal and paid homage

to. Judged by mere abstract ideals, every religion be it Christianity, Buddhism or Islam, can be tested on the touchstone of 'Humanism' and said to be producing same result, more or less. However, it must be borne in mind, the idealist or transcendental dimension of reality cannot be lost sight of. "For those", points out W C. Smith, "who have lost touch with transcendence, apologetics becomes the intellectualized self-righteousness of one's community and its past, its convictions and predilections. Even at a higher level it regards intellect as subordinate, truth as ultimately conformity with and confirmation of one's revelation."<sup>4</sup> This has been the bane of Muslims too. They have lost touch with transcendence and their apologetics tend to be intellectualized self-righteousness. They forget that the supreme value of revelation is truth and that truth is conformity to fact (though philosophically speaking there is no unanimity about the definition of 'truth'). Truth is also a sacred value and wilful tempering with it irreligious. In my opinion even Dr. Iqbal, one of the most eminent thinkers produced by Indian Muslims in the twentieth century could not go beyond apologetics and merely rethought Islam's defences rather than Islam. Maulana Abul Kalam Azad—strange though it may seem—comes closer to rethinking Islam although he was not as learned in western thought as Iqbal was. More of it later.

Now let us understand what humanism is. Humanism is commonly defined as "a system of views based on respect for the dignity of man, concern for his welfare, his all-round development and the creation of favourable conditions for social life."<sup>5</sup> Humanism also enjoins upon us belief in human freedom and rationality. Moreover, in humanist philosophy, man occupies the central position, not the deity. Humanists believe that man is capable of highest achievements endowed as he is by nature with innate capacities. Humanists also emphasise tolerance and compassionateness and decry oppression, exploitation and tyranny. Here again I would like to point out that the humanist philosophy be seen in its concrete setting. It grew into a distinct ideological movement at the time of the Renaissance from the 14th to 16th century, when it figured prominently as an element of bourgeois ideology opposed to feudalism and medieval theology. Some of its most prominent exponents were Petrarch, Dante, Boccaccio,

Leonardo da Vinci, Erasmus of Rotterdam, Bruno, Rabelais, Montaigne, Copernicus, Francis Bacon and others. It should be noted that when these luminaries (for whom I have great respect) talked of freedom, reason, human dignity, etc. they had men of their class in mind. They had hardly any concern for the toiling mass at the bottom of the society. They essentially represented the point of view of the bourgeois class which was struggling to achieve freedom from the domination of the feudal class which had an alliance with the church.

Avarice of the church and its lust for power had surpassed all tolerable limits. Guicciardini, the historian wrote in 1529 :

“No man is more disgusted than I am with the ambition, the avarice, and the profligacy of the priests, not only because each of these vices is hateful in itself, but because each and all of them are most unbecoming in those who declare themselves to be men in special relations with God, and also because they are vices so opposed to one another, that they can only co-exist in very singular natures. Nevertheless, my position at the Court of several Popes forced me to desire their greatness for the sake of my own interest. But, had it not been for this, I should have loved Martin Luther as myself, not in order to free myself from the laws which Christianity, as generally understood and explained, lays upon us, but in order to see this swarm of scoundrels put back into their proper place, so that they may be forced to live either without vices or without power.”<sup>6</sup>

I have quoted the above passage at length as it beautifully brings out the ambivalent attitude of humanists towards the church. Free-thinkers, many of them as they were, had no stomach for theological subtleties yet they desired the laws of Christianity to be applied rigorously to the Popes to place them in proper place. No wonder that the humanists could not initiate reformation in the church. Nevertheless, it cannot be denied that they represented a progressive outlook which immensely helped in advancing human arts and sciences. Freedom of thought, human dignity and tolerance were the desideratum of their class in their struggle against the domination of the feudal class. However, these ideals were, in their content, more meaningful for the emerging dominant group than the miserable mass of humanity at the

bottom of social ladder. The ideals of humanism, like those of Islam, could never become equally meaningful to all the people in the society irrespective of their class-status. Moreover, humanism too, like any other ideology, is rooted in the historical reality.

There are some common values between Islam and humanism as there were some common material factors which brought about the birth of these ideologies in their respective societies. Islam, soon after its birth, became ideology of a dominant mercantile group (the word class in the modern sociological sense can be used only with certain reservations) which had its own political aspirations. It is for this reason that the Arabs, soon after Islam was embraced by almost whole of Arabia, undertook external expeditions to conquer those areas which could ensure profitable trade. (These areas lay on trade routes). Islam, therefore, like humanism abhors asceticism and promotes this worldly attitude. Though unlike humanism it does not give central position to man vis-a-vis God, it does recognise him as God's vicegerant on earth and through whom God's terrestrial projects are realised. One of the verses of Koran goes to the extent of saying that among all other creatures of God man alone deserves trust of God. Dr. Iqbal, whose commitment to Islam is not in doubt, in some of his verses elevates man to be God's partner in creation.

Again, Islam, like humanist ideology, allows man great deal of latitude of action within certain bounds (Koran calls these as *hudud allah* i.e. limits set by God). Let us not think that man in humanist philosophy enjoys absolute freedom. This is not to be. He is bound down by certain social and natural laws (although, unlike Islam, these laws are man-made). Thus, Spinoza, the eminent 17th century philosopher, maintained that human being is not absolutely free. He says that human beings as finite modes, cannot, in principle, be *completely* free and unaffected by external causes; human freedom must be a matter of degree. In the last three parts of his *ethics* he contrasts the actual and normal conditions of human servitude with the humanly unattainable ideal of permanent and perfect freedom.<sup>7</sup> Marx also maintained that freedom is recognition of necessity and necessity itself is historically determined.

Also, Islam, like humanist ideology, was born in its struggle against a decaying social system—feudalism in the earlier case and tribal system in case of the later. Both, in their struggle had to decry inbuilt exploitation and injustice in the prevailing system and emphasise equality of all men and notion of fraternity. Lastly, both the ideologies were monopolised by the dominant groups and their value system could never be concretely availed of by those at the bottom of the society although their history is replete with instances of bloody conflict, wars and killings. It should be borne in mind that this is an attempt at very broad comparison and even in similarities, differences can be pointed out. Needless to point out, periodwise there is a difference of eight centuries between the two ideologies (here by humanism I mean the humanist philosophy as it grew and developed in Europe during the Renaissance period and not its earlier Greek version).

Let us now come to the contrasts. The fundamental difference between the two systems is very obvious for me to point out. The Prophet's anguish against the appalling conditions of his society burst through religious channel and his social critique was expressed in spiritual idiom. Also, his vision of the future was divinely ordained. Thus, he had a message from God to be delivered to his fellow human beings and as such was hailed as a prophet of God putting a seal of finality to whatever he said and did. Humanism, on the other hand, is a purely secular ideology and doesn't recognise sanctity of any divine law, nor does it put a seal of finality on any pronouncement, however, eminent its pronouncer may have been. The humanist ideas flowered through art, literature, science and philosophy. Humanists recognised man as supreme and his own law-giver. He could change these laws whenever his welfare so demanded. Thus, the framework of his ideas could be expanded or changed. Humanists, as John Dewey also maintains, do not aim at judgements that shall be absolutely "true", or condemn their contradictories as absolutely "false". In their opinion there is a process called "inquiry", which is one form of mutual adjustment between an organism and its environment.<sup>8</sup> Truth for them, as in most of the religious systems, is not static and final, perfect and eternal. In religious terminology, it (truth) may be identified with God's thoughts and those thoughts which, as rational beings, we share with God. While thought for humanists is an evolutionary process.

From the above discussion, it is clear that in Islam the concept of freedom implies freedom to act, not the freedom to choose. The moral ideas have been pronounced by God through the Prophet and "good" can be realised only by adopting them in practice. There is no question of choice. Those who act contrary to them perpetrate "evil" although they are free to act as they like (though they cannot escape divine retribution). Thus, Islam gives freedom to act but not to choose. Humanism, on the other hand, allows freedom to choose as well as to act. The question of freedom is, I am quite aware, beset with what at times looks unsurmountable difficulties. But I do not wish to embark upon that discussion here. Freedom of conscience or to act according to one's conscience is an important dimension of the humanist philosophy and this naturally implies freedom to dissent. Or, in other words, non-conformism is a value in the humanist philosophy. Islam, on the other hand, though permits dissent but does so within a set framework, at least as far as orthodox Islam is concerned. Anything beyond is condemned as heresy. Many persons would, therefore, agree with Dr. Fazlur Rahman of Pakistan when he says : "It is a curious and striking fact about the religious history of Islam that at each critical point of its career the force that comes to the forefront and takes over the situation is not the then formalized established 'orthodoxy' but rather something that presents itself at every juncture as the 'raw material' of the orthodoxy subsequently to be formed... To some extent, of course, this happens with all developing religions. But, whereas in Christianity, or even in as little 'reified' a religion as Hinduism, there is something that runs through it like a wave with new elements riding on its crest, Islamic orthodoxy seems to develop in recreated formations of quanta that issue from time to time from the very heart of Islam. It is characterised by an indistinguishable blend of reinvigorating fundamentalism and progressivism; it develops not by self-propulsion, so to say, but by watching, adjusting and absorbing within itself that which moves within it."<sup>9</sup>

I may be permitted to add here that in this blend of fundamentalism and progressivism the earlier has always remained predominant throughout the religious history of Islam. Any blend that had greater degree of external element or what

Fazlur Rahman calls 'progressivism' did not survive long in the history of Islam. The question of Mu'tazila sect is a case in point. The Mu'tazilites in the second century of Islam tried to assimilate the Greek reason with Islam. For them, reason became the criterion for judging all the Quranic teachings. Any interpretation of the Quranic text which was not in keeping with reason was rejected by them. They developed the corpus of Quranic exegesis which was in keeping with the rational thought. This sect, it is important to note, never became influential in the Islamic world and always remained on its periphery. It did not survive long either. Within a couple of centuries it had no followers left. Ash'arites on the other hand, who followed orthodoxy and used Greek reason to defend orthodoxy acquired great deal of influence. Islam Ghazali became hero of the Islamic world as he wrote devastating criticism of Greek philosophers and defended orthodoxy. Even Dr. Iqbal, in twentieth century, hails him as the Kant of Islam. Dr. Iqbal, says, "It cannot, however, be denied that Ghazali's mission was almost apostolic like that of Kant in Germany of the eighteenth century. In Germany rationalism appeared as an ally of religion, but she soon realized that the dogmatic side of religion was incapable of demonstration... His Critique of Pure Reason' revealed the limitations of human reason and reduced the whole work of the rationalists to a heap of ruins. And justly, has he been described as God's greatest gift to his country. Ghazali's philosophical scepticism, which, however, went a little too far, virtually did the same kind of work in the world of Islam in breaking the back of that proud but shallow rationalism which moved in the same direction as pre-Kantian rationalism in Germany."<sup>10</sup>

Thus, it will be seen that orthodoxy always predominated in Islam and reason had to be subordinated to its dictates. It is, of course, a matter of debate as to why balance always tilted in favour of orthodoxy and there again, in my opinion, lie an important difference between Humanism and Islam. One need not delve deep into this question here. Only tentatively, a suggestion can be thrown which can be inquired into and debated. The reason, in my opinion, will have to be sought in sociological inquiry. The Mu'tazilite heresy flowered when the Islamic empire was at its zenith and had expanded to the farthest limits. It

appealed to the social elites especially of foreign origin who wanted to excell their Arab masters who any way were not keen about intellectual pursuits. But when the Arabs felt politically insecure after the Abbasid empire started declining, they v gorously asserted their supremacy by consolidating orthodoxy, their only powerful asset. Ghazali, it is interesting to note, appeared on the scene when Abbasids had lost all their effective power to the Turks (He died around 1111 A. D.). After devastating blow delivered to the Islamic empire by the Mongol invasion of 1258 A. D., the Muslims felt highly insecure and closed all the gates of free inquiry. Ever since the Muslims, as W. C. Smith has aptly said, have been heirs rather than contributors to their Islamic heritage.

The situation did not change radically thereafter throughout the Islamic world. The tendency was to preserve rather than enrich the heritage. There is another aspect of the question also. Islam had originated, as pointed out earlier, in a society dominated by mercantile group which, due to its international operations, was more dynamic and assimilative. However, soon after foreign conquests, Islam came under the influence of Roman and Persian societies which had landed nobility. The merchant class lost all influence and the effective rule passed into the hands of army (it was natural result of continuous foreign expeditions) whose officers were now drawn from the landed gentry. Thus, in a way, Islam was feudalised and tended to be more conservative. Moreover, the simplistic creed of Arabia now became a religio-political-juridic thought system under the influence of Greek speculative reasoning, a curious blend of orthodoxy and Greek logic, the earlier using the later as its instrument. It was paradoxical situation. The development of Islamic thought was terminated in orthodoxy. The great Muslim thinkers and philosophers always remained on the sidelines.

Abu Nasr al-Farabi known to the West as Alfarabius, was one of the most outstanding and renowned Muslim philosophers so much so that he came to be called the "second teacher". Yet, he never acquired the popularity of Al-Ghazali. Al Farabi maintained that human reason is superior to religious faith, and hence assigned only a secondary place to the different revealed religions which provide, in his view, an approach to truth for

non-philosophers through symbols. He also maintained that philosophical truth is universally valid whereas these symbols vary from nation to nation. Attributing to the ancients the view that revelation imitated philosophic truth, Farabi himself argued that the true knower, like Plato's Philosopher King, must do as the prophets had done, that is, explain truth to the crowd in ways they could appreciate through myth, allegory, and symbols.<sup>11</sup>

Thus, we see that though Muslims produced great thinkers and philosophers, orthodoxy predominated the Islamic world as the social and economic growth could not go beyond a certain limit and more so as the merchant class lost to the landed gentry in dominating the State. As the economic growth became standstill, the masses languished in poverty and ignorance which created suitable climate for perpetuating orthodoxy. Humanism, on the other hand, flowered in Europe when the bourgeoisie was on the ascendancy and was successfully wresting power from the feudal class (it is also worth noting that even in Europe comparatively backward regions, like Germany where bourgeoisie failed to assert, remained under the influence of metaphysical thought whereas England which gave lead in industrial revolution produced empiricist school of philosophy which became quite influential). The material progress in Europe and development of science provided great fillip for intellectual freedom and creating confidence in human achievement, thus, bringing man at the centre of the stage. In the Islamic world, on the other hand, as we have seen, decadence and stagnation prevailed after initial forward thrust and hence even some of the progressive elements of Islam were given conservative interpretation. Man, in such circumstances, gradually receded in the background and was overwhelmed by superstitious thoughts. Islam, in its initial stage, had struck balance between anthropocentrism and theocentrism; now after its initial expansion and domination by the landed gentry, tended to become more and more theocentric. Only, lately, we hear the faint echo of anthropocentrism in Iqbal's poetry when he talks of man as the partner of God in creation.

All the Muslim countries today belong to the third world and most of them at one time or the other were under colonial rule since eighteenth century. They were, therefore, victims of economic backwardness and stagnation. Industrialisation and scientific

development could never make appreciable headway in those Muslim countries. The authorities, unable to ensure adequate development and faced with the formidable problem of staggering poverty openly or discreetly discourage any attempt at either divesting Islam of medieval thoughts and practices or attempting bold reconstruction of its thought system. Any such liberalisation would bring enlightenment and enlightenment means greater consciousness of the modern problems whether they be economic or political. The ruling classes in the Muslim countries are openly encouraging conservative forces to assert themselves. The recent promulgation of Islamic laws in Pakistan is a case in point. It is interesting to note that what was promulgated with great fanfare in the name of Islam was the punishment of amputation of hand for committing theft.

Now any student of Islam knows that cutting off of hands does not occupy that primacy in the legal system of Islam which has recently sought to be given to it in some Muslim countries. The most fundamental value of Islam, if anyone cares to know, is equality, not merely of faithfuls before God, but also material equality. No attempt is made even to bring about distributive justice in these Muslim countries, let alone establishing any vestige of economic equality. The ruling classes in the Muslim countries, I dare say, in order to serve their vested interests, are dehumanising and brutalising Islam with the active collaboration of conservatives mullahs who are incapable of understanding modern problems. The Islamic shariat was evolved over a period of time and the eminent jurists who formulated the corpus of Islamic laws were, in their interpretative ventures, influenced by local social norms and prejudices of their age. As human beings their opinion could not have been supra historical and hence cannot be beyond historical criticism. Dr. Iqbal himself admits (although he shys away from formulating concrete proposals for reforms) : "The only alternative open to us, then, is to tear off from Islam the hard crust which has immobilized an essentially dynamic outlook on life, and to rediscover the original varieties of freedom, equality, and solidarity with a view to rebuild our moral, social and political ideals out of their original simplicity and universality."<sup>12</sup> He also admits the necessity of "the freedom of Ijtihad with a view to rebuild the law of Shari'at in the light of modern thought and experiences."<sup>13</sup>

Maulana Abul Kalam Azad, it is interesting to note, has taken a very liberal view which accords with the changing spirit of time. He maintains : "But ritual was not religion, said the Quran, nor the criterion of truth. It was merely an outward aspect of religion. The spirit was something superior to it, and that alone was D.in or religion. Din in reality was devotion to God through righteous living, and was no exclusive heritage of any single group of people. On the other hand, it was the common heritage of any single group of people.... Actions and customs are but secondary to it. They have changed and are liable to change from time to time and vary from country to country under the exigencies of time and circumstance."<sup>14</sup> In support of his thesis he quotes a verse from the Koran : "Why do you give so great an importance to ceremonial ? God had prescribed different ceremonials at different times and for different countries. Whatever was appropriate to a particular situation was prescribed. Had God so desired, He would have made all mankind of but one pattern. But that evidently was not His purpose. Variations were called for; and these did take rise. But this variation should not from the ground for conflict between one and another. What really mattered in this context was Khairat or righteous action to which every varying ceremonial was subsidiary."

Any religion which is not merely a metaphysical doctrine of salvation in the world hereafter, and Islam undoubtedly is such a religion, cannot remain tied up to one historical epoch however brilliant and great it may have been. Truth is conformity to fact and essence of religion. Religion, which aspires to guide the destiny of man as in the process of becoming, will have to keep pace with time keeping, of course, its fundamental values intact. Roger Garaudy has very aptly said in his book 'The Alternative Future' (pp-82) "God exists wherever something new is coming to life, in artistic creation, scientific discovery, love or revolution. God is the contradiction of entropy." Muslim intellectuals, by and large, still shy away from such ideas and do not want to go beyond the paradigm evolved during the medieval ages by the learned theologians. They consider this paradigm to be immutable as it is divinely made whereas it is based on the barest framework provided by the Koran and the details were worked out by the theologians using their opinion (rai), consensus (ijm'a), ijtihad

(creative interpretation). The fate of the Muslims cannot be sealed within this medieval paradigm.

Humanism with all its philosophical implications may not be acceptable to the Muslims but, nevertheless, many of its important implications are not repugnant to Islam; on the contrary, as pointed out above, are in basic accord with it. It is now the question of emphasis and assimilation. The Prophet's concept of God (as it was the concept of rising and dominant group) did not devalue man; as vicegerent of God he remained at the centre, not his slave, but his active agent. Any serious student of Islam's history knows that Muhammad's God was not the 'God of gaps' as Pastor Bonheffer calls it—assigned to fill in the temporary lacunae and the temporary limitations of man or the 'God of alibis' charged with making up for man's active failures by 'supernatural' interventions. His God was at the centre of man, in his creativity and maturity. For him resorting to God was not turning his back on the world but of accepting full responsibility for it.

I quite know it was so as it was the desideratum of the rising class in Arabia. The 'God of alibis' and the 'God of gaps' was the product of medieval decadence and decline of power. And—what is rather disconcerting—the Muslims even today are industrially backward and slogging in poverty. In such circumstances opium of medieval religion provides an easy escape and 'God of alibis' makes up for the shortcomings and failures. But this will not help. Muslim masses will have to be awakened. Their exploitative rulers and leaders have cast spell of medieval decadent religion on them and have trampled their rights. This spell will have to be broken. Even if it be 'sin' as Iqbal calls it, someone will have to commit this 'sin'. I have already joined the rank of these sinners.

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## WOMEN AND ADMINISTRATION IN ISLAM

If the Quran is treated as a primary source it would be difficult to deny for any impartial scholar of Islam that it accorded a very high status to women which could even be interpreted to mean, in many respects, an equal status with men. The problem arises only when we try to understand the status of women through the commentary on the relevant verses of the Quran written by the eminent 'ulama during the early and later periods of Islam. These 'ulama, although undoubtedly very eminent and highly learned in Islamic theology, were not above the influences and prejudices of their age; in fact no one can claim to be. These interpretations and commentaries written by the eminent authorities became, for the coming generations of Muslims, as sacred as the textual content of the Quran itself. I do not think the problem of the status of women in Islam can be satisfactorily resolved as long as the textual content of the holy scripture and the commentaries thereupon by the early eminent theologians of Islam are treated almost on par.

It would be interesting to note that the image of women as crystalised through the medieval ages came to be treated almost as in keeping with the doctrines of Islam. While talking about the virtues of an ideal Muslim women, a medieval Persian writer opined:

An ideal woman, speaks and laughs rarely and never without a reason. She never leaves the house, even to see neighbours

of her acquaintance. She has no women friends, gives her confidence to nobody, and her husband is her sole reliance. She takes nothing from anyone, excepting her husband and her parents. If she sees relatives, she does not meddle with their affairs. She is not treacherous, and has no faults to hide, nor bad reasons to proffer. She does not try to entice people. If her husband shows his intention of performing the conjugal rights, she is agreeable to his desires and occasionally provokes them. She assists him always in his affairs, and is sparing in complaints and tears; she does not laugh or rejoice when she sees her husband moody or sorrowful, but shares his troubles, and wheedles him into a good humour, till he is quite content again. She does not surrender herself to anybody but her husband, even if abstinence would kill her.....Such a woman is cherished by everyone. (Shaykh Nefzawi, *The Perfumed Garden*, tr. by Sir Richard F. Burton, New York, 1964)

In fact, this was the image of an ideal woman among all the religions and nations in the medieval ages. The Quranic verses about women were interpreted in this social milieu. This fact should not and cannot be ignored while trying to understand the status of women in Islam. As far as the textual references to the status of women in the Quran is concerned no one can deny the fact that woman has been, for the first time perhaps in the history of religion, accorded individuality of her own.

Islam has accorded equal status, in matters of religion and religious observations to man and woman. "Lo", the Quran says, "men who surrender unto Allah and women who surrender, and men who believe and women who believe, and men who obey and women who obey, and men who speak the truth, and women who speak the truth, and men who preserve (in righteousness) and women who preserve, and men who are humble and women who are humble, and men who give alms and women who give alms, and men who fast and women who fast, and men who guard their modesty and women who guard (their modesty) and men who remember Allah and women who remember Allah—Allah hath prepared for them forgiveness and a vast reward." (33:36)

Thus, it would be seen that the Quran is meticulous in according parity to man and woman in all the above matters referred to in

the verse. This, according to me, is a very significant verse and is eternal in its validity as there is nothing contextual in it. The Quranic verses which are contextual in their content like the ones on polygamy, divorce, inheritance, evidence etc. must be reinterpreted if the context changes in the light of the above verse which is intentional rather than contextual. Allah's intention is to accord complete equality between the sexes as is obvious from the above verse but in its immediate context, He, in His wisdom, cannot ignore the socio-economic context of the people among whom He reveals His book. Only transcendental concepts, divested of immediate social context cannot serve peoples requirements. With new situations developing, the contextual verses should be reinterpreted in keeping with the overall spirit of the Quran.

In this connection it is interesting to note that the famous Egyptian scholar Ahmad Amin maintains that the Quran contains relatively few specific legal judgements and that within the Quran, specific judgements were often abrogated by later revelations. He goes further and points out that Hazrat 'Umar sought the intentions behind the Quranic judgements and was willing to reverse these judgements when conditions had changed, as when he refused to give a share of the *zakat* to "those whose hearts are to be composed", even though the Quran stipulates it, on the grounds that Islam had become stronger and no longer needed to buy off its erstwhile enemies in this way. (See Ahmad Amin, *Faid al-Khatir*, VII, 276-277.)

In *Yaum al-Islam*, Ahmad Amin, discussing the question of abrogation of the Quranic verses says :

In twenty three years the conditions that called forth some judgements changed, then as the conditions changed some of the judgements changed. Indeed, a question might require a (positive) command, then the circumstance would change and it would require a prohibition..... So if this happened within twenty-three years in the life of the Prophet, what do you think when times have changed and more than a thousand years have passed... ? Does not the observer think that if the Prophet were alive and faced these circumstances, many verses of abrogation would descend upon him and God the Generous and Merciful would not leave the Islamic nation

without flexible legislation confronting this new life with absolute *ijtihad* ?

Thus, it would be seen that the contextual verses of the Quran should be seen in their proper context and the legal and other judgements contained therein must be interpreted in the light of divine intention revealed through other universal verses.

## II

Generally, the orthodox opinion has been that Islam does not permit women to participate in public life as she is required to restrict herself to the domestic chores. Moreover, her participation in public affairs or administration would be outrageous to her modesty. In short, the climate of opinion seems to be against her participation in the public affairs.

Referring back to the Quran, the most significant source of Islamic teachings, can the above position be maintained ? I am afraid, not. There is no specific verse prohibiting the women from participating in the affairs pertaining to the public. The women, according to the Quran are only under obligation not to reveal their charms and adornment to those men with whom marriage is permissible. Also, they have been asked to "draw their cloaks close round them (when they go abroad). That will be better, so that they may be recognised and not annoyed." (33 : 59). They have also been asked "not to bedizen yourselves with the bedizenment of the Time of Ignorance" (33:33). The spirit of these verses require women to be modest and refrain from exhibiting their sexual charms in public.

It was the prejudice—a product of the then prevailing social milieu—that induced the Muslim theologians to prohibit women from participating in the public affairs. Even today those who go for theological training generally come from a very conservative lower middle-class social milieu and inject their prejudices into their interpretations of the holy Quran. Besides, the received traditions are no different. Scriptural interpretation cannot be an abstract or an universal category; it is rather a function of ones social and class milieu. One has to adopt sociological approach in understanding and analysing scriptural commentary. Seen in this light it would be noted that an unevenly developed society would produce differing textual exegesis. The distance from

orthodox position in textual exegesis would tend to increase with the degree of development and enlightenment. Here, I am referring only to a tendency and not to any law in a mechanical sense.

Many Muslim women have played significant role in public affairs right from the early period of Islam. Hazrat A'isha, the wife of the Prophet, was quite active in public affairs. She has the credit of reporting a very large corpus of hadith which helped formulate many important legal and other propositions in Islam. She is one of the most often quoted source by the Muslim jurists. This was no mean achievement for a woman in the earliest period of Islam. Moreover, A'isha could not have reported such a large number of hadith had she not been active in public affairs during the Prophet's life time. There cannot be any doubt that she took very keen interest in the problems of Islamic *ummah*.

A'isha also took part in the politics of Islamic community and her involvement in this field increased during and after the death of the third caliph Hazrat'Uthman. She openly took part in the civil war that ensued after the assassination of the third caliph. She participated on the side of rebels against the fourth caliph Ali and led the troops in the battle of Camel. No one among the prominent companions of the Prophet most of whom were then alive took the position that a woman has no business to participate in such public matters or political affairs. (See for details 'Umar Abu Al-Nasr's' *Ali wa 'A' isha*, Delhi, n.d.)

Another prominent Muslim woman who took active interest in public affairs was Zubeda, wife of the Abbasid caliph Harun al-Rashid. She was very intelligent lady who used to advise her husband about many political and administrative matters. Philip Hitti says about the influence of women in the early Abbasid period :

Not only do we read of women in the high circles of that early period achieving distinction and exercising influence in State affairs—such as al-Khayzuran, al-Mahdi's wife and al-Rashid's mother; 'Ulayyah, daughter of al-Mahdi; Zubaydah, al-Rashid's wife and al-Amin's mother; and Buran, al-Mamun's wife—but of Arab maiden's going to war and commanding troops, composing poetry and competing with men in literary pursuits or enlivening society with their wit,

musical talent and vocal accomplishments. Such was 'Ubaydah al-Tunburiyah (i.e. the pandore-lady), who won national fame in the days of al-Mu'tasim as a beauty, a singer and a musician. (*Aghani*, vol xix, pp 134-37, quoted by Philip K. Hitti, *History of the Arabs*, New York, 1958.)

We are also told of Tawaddud, a talented slave-girl whom al-Rashid was willing to purchase for 100,000 dinars. She was well versed in medicine, law, astronomy, philosophy, music and mathematics and also in rhetoric, grammar, poetry, history and the Quran. (Philip Hitti, *Ibid* pp-342). Women like Tawaddud though did not participate in administration directly, did influence administrative decisions through caliphs.

There is also the instance of a woman being the head of a State in Yemen during late fifth and early sixth century *Hijra*. Hurrah Malikah Arwa' bin Ahmad headed the administration of the province of Yemen on behalf of the Fatimid Caliphs of Egypt. Three Fatimid caliphs Mustansir, Must'ali and Amir reposed faith in her and gave her free hand to administer and govern in the Yemen. She was held in very high esteem by all the three caliphs. The last of the three Amir even appointed her to the high religious office of *hujjah*. In the Fatimi D'awah the office of *hujjah* is the highest after that of Imam. It speaks volumes about the ability of Hurrah Malikah that she won the distinction of being a governor of a province as well as rising to the highest religious office in the Fatimid hierarchy. After the assassination of Amir it was she who successfully took charge of the Fatimid D'awah and also as the ruler of the Yemen. (See for details Sayyidna Idris's '*Uyun al-Akhbar*, Vol. vi and vii, *Bulletin of School of Oriental Studies*, 1934, Vol. vii, part 2, pp-317 to 321,)

Many more such instances from India too can be given. I need not delve deep into the instances of Raziya Sultana, Chand Bibi, Nurjahan and others which are well known to the Indians. The ability of these outstanding women to govern and administer has been recognised by all the historians. One cannot but be proud of them. Those who maintain that it would be disastrous and invite the wrath of God, if woman happens to rule, should coolly think over these instances. These women came to the fore despite severe restrictions and strong prejudices in the society and won laurels for their extra-ordinary talents.

As explained in the earlier part of this paper there is nothing in the Quran or even in the *sunnah* of the Prophet which prevents women from taking part in the public affairs. It would not at all be un-Islamic, in the strict sense of the term even if a Muslim woman rises to the status of a head of a State. Those who maintain otherwise are merely victims of their male prejudices which they seek to inject into Islamic teachings. One must also take into account the fact that even orthodox 'ulama under pressure of events have, at times, supported the cause of women for political or administrative jobs. Maulana Maududi had supported the candidature of Fatima Jinnah for the presidentship of Pakistan. Unfortunately, she lost (more due to the manouverings of President Ayyub than due to the prejudice of the electorates). Otherwise it could have made a history.

The pressure of situation is such today that even the conservative regime of Khomeini cannot deny administrative jobs to women in Iran. When a representative of Iran in the non-aligned conference held in Delhi in the 2nd week of March, 1983 was asked about his reaction to a woman being appointed as the chairman of the non-aligned conference, he said that it was splendid thing and also informed the representatives of the press that in Iran also women were appointed to many responsible administrative and other jobs. (See 'Times of India' 10 March, 1983)

Among the Muslim countries Tunisia has the distinction of appointing Faika Farouk, a woman, as an ambassador. She was ambassador of her country in Senegal and in England. She has also represented her country number of times in the U.N.O. Farouk is perhaps the first Arab woman to have the distinction of being a career diplomat. She has been in the diplomatic career for almost quarter of a century now and feels that in the exercise of this career there should be no difference between a man and a woman although it is more difficult for a woman to get there (to the ambassadorial level). It is interesting to note that in Tunisia it is obligatory for a woman to support her husband financially if he happens to be handicapped. (See Times of India, "The Diplomat's Diplomat", 23.1.83)

The women in Kuwait are not so lucky. They are still fighting for emancipation. But their plight is not as bad as one would imagine. In fact, Kuwaiti women numbering 2,86,000—

5,000 more than the men—regard themselves as the most emancipated in the Gulf States. Several have senior posts in the Government or run successful business. However, Dr. Awadi, Dean of Kuwait University's Law Faculty, maintains "But I could never be a judge or attorney-general or a diplomat here". The Kuwaiti women are denied seats in the National Assembly for which Dr. Awadi has been fighting for. (See "Hamlah niswiyyah li-manh al-mar'ah haqq al-taswit fi al-Kuwait", *Al-Wahdah*, 3.6.82, Abu Dhabbi).

In Libya the women are being officially encouraged by Moammar Ghadafi to join administrative and military services. In fact, Ghadafi has formed a women's security brigade for himself. It is interesting to note that four years ago Col. Ghadafi opened a women's military academy with an enrolment of 2,000 and there are several hundred women officers in the Libyan army. Military training is compulsory for high school students of both sexes, and girls can be seen walking home from school in olive drab military fatigues and combat boots. According to the Government estimate some 50,000 women work outside home in this North African country with a population of 3 million. (*Times of India* 10.12.82). For a small country like Libya it is quite creditable. Col. Ghadafi feels that the colonial countries of the west subtly encourage our women to be confined at home so that 50 per cent of our population is completely paralysed. It is, therefore, necessary for our women to participate in the public life. They must also be encouraged to join military in order to play active role in the defence of the country.

It can, thus, be seen that with development and social change the role of Muslim women in the Islamic countries is being reassessed. It is but natural. The status of women cannot be governed only by the traditional view of religion. Religious concepts themselves, as pointed out earlier, undergo change in the process of social change. The Muslim women still lag behind their other sisters not because of their religion but for lack of adequate socio-economic development of their societies. With the process of development even in countries like Saudi Arabia women have taken to certain professions like managing women's banks, minding certain businesses (although dealing exclusively with women) etc. Even this was unthinkable a few decades ago.

The past histories also clearly shows that during the hey-day of Muslim empires the women played no mean role in different spheres of life; it was only when decline began that women came under greater restrictions. Under-development and decline, and not religion, thus it would be seen, is more responsible for restrictions fowomen.

## DYNAMICS OF SHI'A-SUNNI INTERACTIONS IN THE GULF

Shi'a-Sunni schism dates back to early period in Islamic history. To begin with, it must be noted, it was more of a political than a theological controversy. The theological doctrines of Shi'a faith crystallised much later. The use of current terminology of Shi'a Islam and Sunni Islam is rather unfortunate as well as imprecise. Although, theologians on both the sides, in course of time, made great attempts to divide them and to elaborate separate theological juridical systems, the differences can hardly be characterised as that of fundamental nature as far as the central doctrines of Islam are concerned. Whatever one might say the question of succession either as temporal head of State or in spiritual capacity or in both the capacities cannot be an integral part of the religion of Islam. However, the later theological elaborations made it a very fundamental question and it was made to appear as an integral part of Islamic dogmatics. Not only this, certain Shi'a sects like the Isma'ilis made this question acquire so much centrality that without *walayah* (love, friendship) of 'Ali, the Islamic a'mal like prayer, fasting, *zakah* (poll-tax), pilgrimage etc. will not be accepted by Allah. (Qadi Numan, n.d. chapter I) However, we do not wish to touch upon, in this paper, the sectarian dogmatics of various Shi'a sects and sub-sects.

The main distinguishing feature of Shi'a faith is the doctrine of *Imamah* (spiritual leadership, to be precise) and appointment of 'Ali as the *wasi* (executor) by the Prophet and the

belief that an Imam is appointed by the preceding Imam through inspiration from Allah and with His permission (*bi idhnihi*) and that the Imam is supposed to be infallible (Wajdi, *Dairatu Ma'arif al-Qarn al-'Ishrin*, 1971, 424-25.) The Sunni Muslims, on the other hand, believe that *Imamah* is a question to be decided by the *ummah* (Muslim community) and that the elected Imam or caliph is *not* infallible.

To begin with, as already pointed out, the controversy was political centred around the question of succession to the Prophet, and not a theological one. Many Muslims including some prominent companions of the Prophet followed 'Ali as the true successor of the Prophet. The word itself is derived from *shay'a* (to follow). Also, from the very beginning, it acquired a character of a protest movement as until the beginning of 16th century it did not become part of establishment anywhere (except the Isma'ili Shi'ahs who founded the Fatimid dynasty first in Western Africa and then in Egypt early in tenth century. The Isma'ili religion, it is interesting to note, underwent a thorough change in its theological structure which became thoroughly hierarchised like that of the Catholic Church).

It is precisely for this reason that the distinction between the *tashayyu'-i-'Alavi* and *tashayyu'-i-Safavi* (i.e. the Shi'ism of 'Ali and the Shi'ism of Safavids) made by 'Ali Shariati acquires significance. (Ali Shariati, n.d.)<sup>1</sup>. Shariati, among other things, also adds '*adl* (i.e. justice) as one of the main characteristics of the Shi'a faith. (Ali Shariati, 1357, 294.) It is also interesting to note that one Egyptian scholar Ahmad 'Abbas Salih (1973, 56) describes 'Ali as left revolutionary and the first two caliphs Abu Bakr and 'Umar as centrists and the third caliph 'Uthman as rightist.

What is important to note is that early shiism was certainly a protest movement and many disgruntled non-Arabs happened to be attracted towards it. Fathi Osman (*Arabia*, August, 1982) rightly points out "Regional and ethnic factors offered some grounds for the split between Sunnis and Shias and suitable justification was found in religion. Ethnic identities, which were expressed in the cultural conflict between Persians and Arabs (*Shuubiya*), might be responsible for nourishing Shia doctrine and extending it among Persians." Prof. Fazlur Rahman (*Cambridge History of Islam*

Vol 2B, pp-632-33)<sup>2</sup> is also of the view that "One can speak of the Shia group as a protest phenomenon for a period until Shiism developed its own theology and independent system. The protest was essentially social and political against the suppressive attitude of the ascendant Arabs, particularly during the Umayyad period. But Shiism soon ceased to be a phenomenon of reform or protest and hardened into a sect with its doctrines of the infallible imamate."

For long these doctrinal differences remained a divisive force and, in the later history of Islam also, they kept on acquiring political overtones as well as vehicle for the assertion of ethnic or national identity. The Kurdish problem in recent times also has this dimension. Whereas most of the Persians are Shi'ahs, the Kurds are Sunnis. Of course, the modern Kurds use political idiom more than theological idiom but Shi'ah-Sunni sectarian dogmatics also cannot be completely lost sight of. It also becomes a vehicle in exertion of the ethnic identity of the Kurds. "The conflicts with the Kurds, led sometimes by Sunni ulema, made the whole issue even more clouded", says Fathi Osman (*Arabia*, August, 1982).

We will examine, in the following pages, in some detail, the socio-economic and political dimensions of Shi'ah-Sunni problem in the Gulf today. Khomeini has, undoubtedly, played a very significant role on this question and no serious study of this problem can ignore his role. It is important to note that Khomeini during the Sha's regime emerged as a powerful leader of the protest movement and as the situation demanded the thrust of his movement was against American imperialism as well. Not surprisingly, therefore, the Western media, in general, and American media, in particular, projected him as a sectarian Shi'ah leader who, with his fanaticism of Shi'ah Islam threatened the Sunni Islam and those regimes which professed Sunni Islam. Those who are well acquainted with the subtle and not so subtle biases of the Western media would not take such assertions seriously.

It must be said in fairness to Khomeini that he made it a point to de-emphasise Shi'ah-Sunni sectarianism and gave a message of unity of Islam. Even in his address to the delegates of different Islamic countries who assembled in Iran on the occasion of the 3rd anniversary of Iranian revolution on 11 February, 1982,

he emphasises unity of all Muslims throughout the world and strongly criticises American imperialism (Khomeini, 1982, 2-7). Even Ikhwan al-Muslimin and Jamat-i-Islami both being predominantly Sunni religio-political organizations, have hailed the Iranian revolution and its leader Khomeini. The files of *Crescent International* Canada (this fortnightly is a strong supporter of Iranian revolution) and *Radiance, Delhi* (the Jamaat's English Weekly from Delhi) are enough of evidence of this support. There is an interesting dimension of the support of *Ikhwan al-Muslimin* to the Iranian regime of Khomeini today. Dr. Lutfi of *al-Markaz al-Qaumi li al-Buhuth al-Ijtima'iyah* (The National Centre for Sociological Researches), Cairo, who is researching on the secret Islamic organisations told me that Ikhwan leadership is not as enthusiastic as its cadre for the Iranian revolution. The cadre is attracted towards it for its Islamic character whereas the leadership of the Ikhwan is, in a way, beholden to Saudi Arabia and hence it tries to curb the enthusiasm of the rank and file.<sup>3</sup>

Shi'ahs, as we have seen earlier, believe in *nass* i. e. divine appointment of the spirituo-temporal leader called Imam which naturally leads to the theory of divine right of a ruler to rule. Dynastic rulers have often resorted to this ploy to legitimise the rule. The divine right of Imam to rule became the very fundamental principle of the Shi'ah faiths as we have seen. This can easily lead to establishment of monarchy. However, it is quite ironical that in the Gulf area today a Sunni Wahabi regime of Saudis have established monarchy and try to legitimise it through enforcement of Islamic rule—a glaring contradiction in terms as far as the Sunni doctrines are concerned. What is more ironical, it is a Shiaah leader of Iran Ayatullah Khomeini who is challenging the very concept of monarchy as un-Islamic. Today the Saudi monarchy fears the Khomeini regime most in the Gulf region, perhaps even more than the leftist or Marxist forces in the region.

The conflict between the Islamic revolutionary regime of Khomeini and the Saudi monarchy should not be seen as a conflict between the 'Shi'ah and Sunni Islam' as often projected in the western media. It is less of a sectarian religious conflict than a political conflict with all its attendant socio-economic implications. Khomeini, it must be admitted, is much more than a fanatical Shi'ah. He is a successful challenge to American imperialism

on one hand, and, a direct threat to those who survive on the support of American imperialism, on the other. Thus, the conflict between the Sunni Wahabi regime of Saudi Arabia and the Ithna 'Ashari Shi'ah regime of Khomeini cannot be understood in purely religious terms. Much deeper socio-economic and political forces are at play in determining the course of events in the sensitive Gulf region.

One must take note of the fact that in Khuzistan, the oil rich region of Iran there is considerable population of Sunni Arabs and in the oil rich region of Saudi Arabia there are Shiite tribes. The rulers of these respective countries try to take advantage of the Sunni or Shi'ah population in their political game. It, therefore, tends to appear as a sectarian fight and the western media always projects it as such. The seizure of the holy mosque of Mecca in November, 1979, for example, was seen as the handiwork of the Shi'ah fanatics of the minority tribes of Saudi Arabia. The Washington officials blamed the whole incident on the followers of Khomeini. According to the 'Times of India' report, "In Washington, the State Department officials said they had unconfirmed reports that the gunmen in Mecca were Iranian Shiites, they said. American diplomats in Saudi Arabia reported 'the violence appears to be confined to the mosque and Mecca itself is quite.'<sup>4</sup>

However, what was passed on as the violent action by the Shi'ah fanatics of Khomeini's party, was much more than that. It was eruption of deep seated resentment of a section of Saudi Arabian population which has no other normal channel of expression. The Saudi monarchy is not as stable as it appears to be and as the American media would like us to believe. The dynamics of oil money, transfer of latest technology, the process of social change, and above all the struggle for power within the Saudi family are some of the causative factors for socio-political unrest in Saudi Arabia today. It cannot be blamed only on Khomeini's Shi'ah Islam', as is often sought to be done. This is mere over simplification of the issue.

However, this does not mean that Khomeini wants to remain a silent spectator. He is very shrewd manipulator and is also determined to export his brand of revolution in other Arab

countries. In his message above referred to (Khomeini, 1982, 7) he says, "What has happened to the Muslims and Muslim leaders that they are sacrificing their self respect at the feet of America? After all what has gone wrong with them that the treasures of Islamic countries which are meant for the poor and down-trodden of these nations are being surrendered to American imperialism which in turn supports Israel..." He also uses the Shi'ah minorities of these countries to create trouble for the monarchies or the sheikhdoms. But what is important to note in this context is that Khomeini is not primarily motivated by his Shi'ah fanaticism; he is motivated more by his brand of Islamic revolution which he is determined to spread in the Arab world.

The Iraq-Iran war is a most interesting phenomenon in this connection. Apparently, it was Iraq who attacked Iran and marched its armies across the border. But the whole scenario is much more complex. After the treaty with this Shah, Khomeini was turned out of Iraq where he had sought refuge in holy Najaf. Khomeini never pardoned the Bathist regime of Iraq for this 'sin'. As soon as he came to power in Iran in 1979 February, he launched a powerful propaganda against the 'infidel government' of Saddam Husain on one hand and began to appeal to the Shi'ahs of Iraq to rise against the Saddam Government. This in a way led to Saddam's decision to invade Iran to teach Khomeini a lesson at a time his position was supposed to be weakest due to internal turmoil in Iran and army purges carried out by the Khomeini supporters. It must be admitted that Khomeini did not try to accentuate differences between the Shi'ahs and Sunnis of Iraq (a shrewd manipulator as he is, he tried to appeal to the Shi'ahs and their sense of grievance against the Saddam Government in a very subtle way). He continued to employ Islamic idiom in general in order to inspire people to fight against Iraq.

"The Almighty in the Holy Qoran has said", he said, "if a tribe of Muslims inflicts tyranny upon another Muslim group, it is incumbent on all Muslims to fight the aggressor." (Khomeini, April-May, 1982). He also said, incorrectly of course, "The nation of Iraq has turned its back on Ba'athist forces, while you are supported by your nation and Allah the most merciful is guarding and supporting you." (Khomeini, *Ibid.*) The Iraqi Bathist rulers, on the other hand, invoked in keeping with their more

secular and nationalist ideology, the old rivalry between the Persians and the Babylonians (Baghdad Observer, 1980) in the war with Iran. It also tried to incite the nationalist feelings of Arabs living in Khuzistan in Iran. However, it did not click. Here I would like to draw the attention of the readers to the fact that the Iran-Iraq war has shown once again that the nationalist feelings (or considerations, if not feelings) matter more than religious or sectarian feelings or considerations. Khomeini failed to bring about insurrection of the Shi'ahs of Iraq so did the Iraqi rulers to incite the feelings of the Arabs of Khuzistan. In today's political set-up in the world nationalist considerations matter more than religious, ideological or other sectarian considerations.

In the complex situation in the Gulf region today, many other factors, besides religion, will have to be taken into account. A theologian or an ideologue may seek to explain everything in terms of his theology or ideology (making it at least a predominant factor, if not the only factor) but an objective observer has to take many more complicated factors into account to unravel the phenomena on the surface. It would be wrong, therefore, to conclude that the Shi'ah-Sunni conflict or similar sectarian theological disputes are determinant of the situation or helps shaping the events in their final course.

However, in order to understand the complexity of the situation and instead of discounting the religious factor altogether its psychological dimensions must be properly appreciated. Religious feelings tend to be more sensitive and inflammable than other feelings and, hence, provide greater potentialities for the politicians or the ruling classes to exploit them for the ends not always religious. One must learn to distinguish between political attitude to religion and religious attitude to politics. (Marx, 1975, 157). The so called fundamentalist upsurge in the Gulf region, as far as the politicians and the ruling classes are concerned, brilliantly illustrate the case of political attitude towards religion.

Marx (1975, 170) has also drawn our attention to the fact that "The emancipation of the State from religion is not the emancipation of the real man from religion." We do observe such a phenomenon in the Gulf region also. Some of the States who are professedly secular like Iraq and Syria (both the countries have heads of the State belonging to minority section,

Saddam is Sunni although the majority in Iraq is Shi'ah and Hafiz Asad is an Alavite Shi'ah although the majority in Syria is of Sunnis) continue to face difficult problem of contending religious feelings. The Ikhwan al-Muslimin, an organisation dominated by the Sunnis often gives very tough time to Hafiz Asad who has packed his government and administration with Alavites (perhaps more for security than sectarian reasons).

Iran, not surprisingly, is being supported by the Assad regime of Syria. This support, to be noted carefully, is for political reasons, not for sectarian ones. However, whenever the Assad regime of Syria takes strong action against its sworn enemy Ikhwan the Iranian regime comes under attack from its Sunni supporters in Jamaat-e-Islami and Ikhwan al-Muslimin although the resentment is not wholly expressed in purely sectarian terms. Thus, when Hafiz Asad's forces killed members of Ikhwan who were attempting overthrow of his Government, strong sentiments were expressed in the columns of *Radiance Weekly* against Iran by its readers for having kept silent against the butchering of Ikhwan. Hafiz Assad was described in these letters as an 'Alavite', 'enemy No. 1 of Islam', 'Nusairi Baathist' etc., the terms which are full of sectarian connotations. (*Radiance*, March 21,10). Of late serious clashes have also occurred between those Palestinian factions who support Syria and those who support Ikhwan group. An AP report says "Pro-Syrian Alawite militiamen of the Arab Democratic Party and Palestinian-backed irregulars of a Sunni Muslim coalition called the "Popular Resistance Movement" traded artillery, rocket and mortar fire during the night in Tripoli's slums killing ten people and wounding 35..." (Times of India, 14 December, '82).

On the other hand the Druze minority of the hills of Lebanon which happens to be an extreme Shi'ah sect (a branch of Isma'ilis) is firmly committed to the Palestinian cause and often battles with the rightist Maronite Christians. The Druze leadership has clear left inclination. It is also interesting to note that the twelver Shi'ahs of Lebanon being more privileged (they have been traditional land owners and have also business interests) do not take very kindly to the Palestinian cause since the Palestinians in Lebanon are under-privileged and a radicalising force.

The hostility of twelver Shi'ahs towards the Palestinians often results in serious clashes also.

Baalbek in Beka valley and 105 km east of Beirut is a Shi'ah stronghold with its 25,000 population. In the third week of November more than 500 Khomeini supporters stormed the Government House there and tore off the Lebanese flag. They also wrote slogans on the walls of the city 'Death to America', "Death to Israel" etc (Times of India, 22 November, '82).

These and other events convincingly show that one cannot understand the dynamics of Shi'ah-Sunni interaction in the Gulf region without taking the totality of the complex situation. Political, socio-economic and all other related aspects must be borne in mind while studying the Shi'ah-Sunni interaction.

## REFERENCES

1. Ali Shari'ati gives interesting characteristics of tashayyu 'Alavi and tashayyu Safavi. The characteristics of the former are a, following 'Ali, dynamic exertion-ijtihad, responsibility, freedom, revolution of Kerbala, martyrdom, instrument of perfection, friendship of Husain, humanity, etc. and the characteristics of the latter are praising (the establishment), stagnation, suspension of all the responsibilities, servitude, wailing over the tragedy of Kerbala, death, metamorphosis, polytheism, suppression, narrow nationalism etc. (see Ali Shariati *Sashayyu-i-'Alavi, Tashayyu'-i-Safavi*, n.d. pp. 325).
2. Quoted from Fathi Osman, "Sunni and Shia in the contemporary World", *Arabia* Aug., 1982.
3. I had a detailed discussion with Dr. Latifi on this question during my visit to Cairo in October, 1980.
4. The Times of India "Raid on last day of Islamic year, 22 November, 1979.

## IRANIAN REVOLUTION GOING AWRY ?

It is more than two years since the overthrow of hated Shah's rule. Still things don't seem to have settled down in Iran nor do they seem to be taking any definite shape. Ayatollah Khomeini, six months after the revolution, in an interview granted to the Italian journalist Oriana Fallaci, had categorically maintained that "Our revolution is only six months old. And it is a revolution that took place in a country that was eaten alive like a field of wheat infested with locusts. We are at the beginning of our road. What do you expect of a child that is six months old...."

Now the revolution is more than two years old, not a long period indeed for the success of a revolution but certainly not very short either to judge its trend. What is happening in Iran today is hardly credit worthy in any sense for the revolution. According to *Kar*, the organ of Iranian People's Fedaii Guerillas (OIPFG), a Marxist group, today in Iran, "The flames of wrath and revenge from the masses who for twenty months were imagining their needs being answered by the ruling apparatus, here and there blazes. Political freedoms and democratic rights of the masses are violated and stepped upon by the government. The democratic rights of the oppressed nationalities are denied. Workers, peasants, toilers, merchants, artisans, students and women struggle against suppression of their basic human rights. *The class conflict is intensified to such an extent that the war between Iran and Iraq governments is secondary* (emphasis supplied).

Lest it should be dubbed as extremist point of view of a Marxist gueirilla group, I would like to quote Dr. Manuchehr Masudi, a liberal lawyer who is reported to have said according to *Enqelab-e-Eslami*, a paper belonging to Bani Sadr's group, 'The freedom of parties and associations gives power and strength to the creative will of the people, and the current misconception which has been inculcated in the society to the effect that only one party should govern is nothing but absolute dictatorship...Any attack on gatherings, on associations, on sellers of newspapers and on bookshops will only instil fear and dictatorship in the society. The attacks being carried out against dormitories and schools, and the resorting to stick, club, knife, and gun is not worthy of a revolutionary society, especially an Islamic one...we receive tens of painful and moving complaints daily from the people throughout the country, all of which indicate lawlessness and the absence of any authority to appeal to.'

Now, according to the latest news from Iran, even liberal papers like *Enqelab-e-Eslami*, *Mizan*, etc. have been suppressed and now there is possibility that the President Bani Sadr, who had been elected with more than 75% of votes, may be put on trial for violation of constitution. According to an AFP report dated 10th June, the Iranian chief justice, Ayatollah Mohammad Beheshti hinted that President Abolhassan Bani-Sadr would be prosecuted for alleged violations of the country's constitution.

The enthusiasts of the Islamic revolution in Iran should not go by the slogans being mouthed by the power-hungry clergy. Even the Islamic law is being grossly misused. According to *Enqelab-e-Eslami* of March 1, a woman got arrested as she was standing in front of a court together with her 3 year old child, had to spend four months in jail in the company of the bored nagging child; a man who was certified as an imbecile by the judicial authorities was executed (Islamic law does not permit this); a man complained that his wife has been executed for adultery although he never suspected her of any such misconduct (according to the religious law a husband must have been the litigant) and the couple had three children. The Islamic Guards, in many cases, are known to blackmail people and demand high price for letting them go. There is rampant corruption.

One has to understand all this in terms of the contradictions of the situation as it obtains today in Iran. It is not enough to

proclaim Islamic revolution. It is also necessary to understand the class forces and their mutual conflict. There are three main contending groups in Iran. The clergy representing extreme right, is represented by the Islamic Republican Party (IRP) which has majority in the Majles (i.e. parliament); the second main contending group is those of liberals whose chief representative is Bani-Sadr; third group is those of left of the centre and this group comprises numerous trends from that of Tudeh (official Communist Party of Iran) to the peoples Fedaii Guerilla, a Marxist-Leninist organisation.

During the Shah's reign a comprador bourgeois class, rather dependent on and subservient to powerful state apparatus (this may not neatly fit into traditional Marxist concept but such was the reality at that time) and a powerful bureaucracy came into existence. The comprador bourgeoisie and the bureaucracy amassed huge amount of wealth at the cost of impoverished masses, on the one hand, and traditional bazar merchants and middle classes, on the other. The bazar merchants, being traditional and conservative (their shops lined around mosques as in a traditional Islamic city and these merchants had nothing to do with modern industrial capitalism) rallied round the clergy in their fight against the oppressive and exploitative policies of the hated regime of the Shah while the middle classes either rallied round the liberals or the left groups. Of course, as the situation then demanded, these three groups (i.e. the clergy, the liberals and the Marxists) had to wage a joint struggle to overthrow the Shah (Shah described this combination as red and black reaction, black being the colour of the Shia clergy). Among these groups the clergy was the most powerful (it derived its support from the impoverished peasantry as well, in addition to the bazar merchants as the left groups were mainly urban based and they found it extremely difficult to operate in the country-side due to monstrous restrictions imposed by the regime on the entry of suspected urban people in the country-side, the one caught facing the risk of being shot), the left and Marxist groups most determined, although numerically weak, and the liberals always wavering.

After the overthrow of the Shah, many of the bureaucrats and comprador class ran away from the country while those who remained found shelter either by rallying round the clergy or the

liberals. The clergy, thus, represents today, despite its Islamic and anti-imperialistic rhetorics, the class interests of the remnants of rich bourgeoisie. What is worse, it has totally medieval outlook and in keeping with its class interests emphasises formal teachings of Islam and inflicts punishments prescribed by it rather than its spirit of social justice and equality. Ayatollah Khomeini, although he does not completely identify himself with the Islamic Republican Party, the political arm of the clergy, by and large supports it in critical situations. The Ayatollah pretends neutrality in order to command following of the other centrist and left of the centre groups. However, in the now developing situation in Iran, the patriarch is losing his grip over the masses. With the backing of the Ayatollah, the clergy has developed very high political ambitions and is currently engaged in struggle to establish one party dictatorship. Bani-Sadr, representing the liberals, is their main target. It must, however, be emphasised here that the liberals too, in terms of class interests, have much more in common with the clergy than with the down-trodden masses. Thus, *Kar*, the organ of the Peoples Fida'i Gueirilla of Iran writes about Bani-Sadr, "...this cunning liberal, freedom and democracy is not different from what was said for Bazargan and Ghotbzadeh. Bani-Sadr strongly opposed people's councils and regarded workers' councils as the number one enemy of the capitalists and disbanded them. Last spring, when the leaders of the Turkman's people were brutally massacred he remained silent. He instead organized the brutal attack on Turkman Sahra (North East of Iran) and Turkman's peasants unions and councils."

Thus, the main difference between the clergy and the liberals is of orientation (western or medieval) rather than of class interests. Bani Sadr himself is a post-graduate of Soborne and wants to organise Iranian economy on the basis of western capitalism. With this in view he had appointed a young economist of 33 Mr. Ali Reza Nobari as the governor of the Central Bank of Iran. Mr. Raji, the Prime Minister, resented his appointment and ultimately forced him to resign. It must be clearly understood that the power struggle between the clergy and the liberals does not represent conflicting class interests. It is rather struggle between the two groups representing the same interests although one group is liberal and secular and the other conservative and medieval. In a

way it could be construed as a struggle between feudal and modernizing forces in Iran. The clergy may find it difficult to retain feudal relations of production (current social turmoil helps generate heightened political consciousness among the masses) although its feudal outlook represented by its medieval oriented religious teachings finds acceptance in the backward social ethos of Iran. This contradiction is representative of social situation in most of the third world countries.

Among the left groups, the Mojahedin-i-Khlaq-i Iran is an Islamic group but believes in radical re-interpretation of Islam. It emphasises the spirit of social justice and the revolutionary Islam can play in redistribution of wealth. It brings out its own organ called *Mojahid*. It has been running a series of articles on Islamic ideology. It completely shuns the use of Marxist terminology but comes very close to it as it also believes in the theory of class conflict and establishment of a classless society which it calls *Jami'i Tawhidi* i. e. unitary society. According to it real *Tawhid* (i. e. the concept of unity of God in traditional Islam) cannot be established without establishing a unitary society which abolishes all class distinctions. Needless to say, it is quite a revolutionary concept of one of the most fundamental teachings of Islam. *Tawhid* is one of the cardinal teachings of Islam but upto now it has been applied to mean unity of Godhood. Mojahidin of Iran, for the first time, in the history of Islam, have interpreted it to mean unity of society and this unity cannot be ensured without abolishing all class distinctions. Mojahidin have been fully cooperating with all the left groups including the Marxist one. Of course, they do not oppose Ayatulla Khomeini either although the latter denounces them as crypto-communists. The clergy naturally is doing everything within its power to suppress the Mojahid group. Thus, it is very clear that the clergy cannot tolerate any revolutionary interpretation of Islam and for them it is only a convenient cover to hide their class interests.

The Fidaii group, as pointed out earlier, is a Marxist-Leninist group and is completely opposed to the policies of Ayatollah Khomeini. It also opposes Tudeh, the pro-soviet communist party. Recently, a section of the Fidaii group broke away from it which is known as the Central Committee and joined the Tudeh party. The Central Committee and Tudeh support the policies of Ayatollah Khomeini as they consider him as a balancing force. Thus, denouncing the Central Committee, the organ of the Fidaii

writes, "The social chauvinists of the Central Committee who went through their retrogression quickly, right now are moving closely behind the bourgeois ruling apparatus. They are no better than the Tudeh party, who (which ?) is their 'true teacher. They see their duty as one of sanctifying the bourgeois ruling apparatus. They are attempting to keep the masses, workers and toilers, who are losing their misconception about the government, in bourgeoisie's trap a while longer."

While one may not fully agree with what the Fidaiis maintain, it is undeniable fact that through continuous struggles it is absolutely necessary to expose the policies being pursued by the clergy with the support of Ayatullah Khomeini. One can hardly overestimate the strength of both the gueirilla groups i.e. Mojahidin as well as the Fidaiis but their determined and uncompromising stand may, in the Iranian situation, ultimately pay some political dividends. Right now, of course, the struggle for power is intensifying between the liberal and secular section of the bourgeoisie and its feudalistic, conservative section. If the clergy wins—of which, there seem to be greater chances right now—the traditional bazar merchants will have upper hand i.e. mercantilism will supplant, for the time being, industrial capitalism. Not religion but the growth or otherwise in the forces of production would be decisive in the long run in shaping the political future of Iran.

## THE NEW ISLAMIC CONSTITUTION OF PAKISTAN

Gen. Zia had, literally, usurped power from the Prime Minister Zulfikar Ali Bhutto in 1977 at the point of gun. In order to gain some credibility in the eyes of people he promised to hold elections within ninety days and he described this as a 'solemn pledge'. Of course, the solemnity of the pledge was as solemn as his credibility in the eyes of the people. Ninety days over, the General began to talk of the 'doctrine of accountability'. Before holding the elections, the General told the people, Bhutto must be made accountable. Thus, Bhutto was put on trial on the charges of murdering one of his political opponents and hanged and thus the doctrine of accountability, as conceived by Zia, fulfilled its purpose.

However, the promised elections did not materialise even then. Now Zia came out with another justification for putting off elections: Islamization of polity in Pakistan. He felt, as every dictator does, democracy of western style is not suitable. Moreover, he often began to say Pakistan is an ideological State and its ideology is Islam. Islamization, therefore, is primary and elections only secondary. The politicians are corrupt, impatient for power—Zia already being in power did not have to show any impatience whatsoever—and hence they are in unseemly haste for holding elections. However, the people of Pakistan who have by now tested the rule of three military dictators, including Zia, could not be fooled even in the name of Islamization. The pressure for

democratization grew and Zia was compelled to appoint a special committee from amongst the members of his hand-picked Majlis-e-Shoora (the Consultative Council) to recommend an Islamic framework for the constitution.

The Committee was given a deadline of July end for submitting its recommendations so that Zia could make an announcement to the nation on 14th August, the day of independence of Pakistan and the day on which the leaders of Movement for Restoration of Democracy (MRD) were to launch an agitation. The Special Committee dutifully submitted its report to General Zia, the self-appointed crusader for Islamization. In the lines below we shall discuss and offer our comments on some of these recommendations made by the Committee.

It is interesting to note that according to the Committee the Constitution of 1973 approved by the then National Assembly under the leadership of Bhutto was Islamic in character. One can then legitimately ask why all this exercise? But then the ways of dictators are no less inscrutable than those of God.

Another interesting thing to note is that the Committee-perhaps much against the wishes of Zia found, after lengthy debates, that Parliamentary form of Government is in keeping with the principles of Islam.<sup>1</sup> General Zia, needless to say, is strongly in favour of presidential form of government and has been persistently running down the parliamentary form of government as unsuitable for Pakistan as already pointed out. Of course, there is a note of dissent also. Five members of the Committee have recommended, in their dissenting note, presidential form of government. Two other members have opted for the caliphal system which came into being after the death of the Prophet. The first Caliph, it must be noted, was elected by the prominent companions of the Prophet and other elderly tribal representatives (the concept of adult franchise naturally did not exist then) and was vested with absolute powers though he was obliged to consult some senior companions in vital matters of State policies. Two other dissenting notes pertain to the qualifications of the president and the appointment of a high-powered consultative council.<sup>2</sup>

However, the Committee was not in a position to totally disregard Gen. Zia's point of view. While recommending parliamentary form of government, it also feels there should be a

balance between the powers of the president and prime minister. In this respect the Committee has recommended number of amendments to the 1973 constitution which gives greater powers to the office of prime minister. The Committee wants the president to be the supreme commander of the Pakistani armed forces and he should be vested with powers to appoint the commanders-in-chief of all the three forces.

The Committee has also emphasised that the fundamental rights must be guaranteed as in no case Islam can permit suspension of these rights. It is an extremely important recommendation as the rulers in the Islamic countries have been known for trampling under feet the fundamental rights of the people whom they pretend to govern according to Islam. There is hardly any exception to this rule. It may not be in keeping with the requirements of dictatorship but nevertheless the Committee deserves our praise for its bold stand in this regard.

The Committee also emphasises the ideological character of Pakistan and, hence, lays down that any candidate seeking president's office must not only be good Muslim but should also have good knowledge of Quran and *Sunna* (i.e., the Prophet's practice). The recommendation apparently seems to be innocuous which it is not. Who will decide one is good Muslim or not? Will it be the task of election commissioner? Can election commissioner rise above political pressures and maintain his neutrality? Why should it not be left for the people to decide? Again, the competent knowledge of the Quran and *Sunna* would usually qualify only a traditional '*alim*'. He can also claim, in a formal sense of course, to be good and practicing Muslim and hence such a recommendation can easily pave the way for the rule of traditional theologians in Pakistan. In a country like Pakistan this is no mere hypothetical abstraction; it is real danger.

Even if the people of Pakistan desire to have theocracy (which they don't as whenever they got a chance to vote they totally rejected theocrates. Even the Jamat-e-Islami with all its resources and tightly-knit organization fails to get respectable number of seats as an opposition party, let alone winning majority mandate to rule) the traditional theologians, totally unaware of the complex challenges of modern State would be incompetent to rule.

No less than the Chief Justice of Federal Shariat Court, Justice Aftab Husain is of the opinion that public law is constantly

subject to change and *fiqh* can be enforced only to the extent that it can meet the demands of the contemporary situation.<sup>3</sup> According to the 'Viewpoint' Weekly another important point, and one of great immediate relevance, made by Justice Aftab Husain relates to the inability of religious scholars to help the Federal Shariat Court in interpreting Islamic laws. As against the dismal performance of the *ulema*, the members of the lawyer community have rendered immensely useful service to the Court.<sup>4</sup>

All those who are very eager to associate *ulama* with the State affairs and loosely talk of Islamising the State in Pakistan should give a serious thought to what Justice Aftab Husain of the Federal Shariat Court has to say about their role. The Special Committee's recommendation that those aspiring for the post of presidency should be good Muslim and should have adequate knowledge of the Quran and *Sunnah* should, therefore, be taken with due caution. It can very well lead to the monopoly of *ulama* totally ignorant of the business of modern statecraft and its complex challenges. Such a provision can also lead to keep certain politically undesirable persons out. The Committee's report is also discreetly silent about the women's role in the State of its conception and whether women can seek the highest office. There is no specific provision in the Quran or *Sunnah* debarring women from becoming head of the State. Even the chief of Jamat-e-Islami Maulana Maududi had supported the candidature of Miss Fatimah Jinnah for the highest office vis-a-vis Ayub Khan. However, today in the thick of Islamization campaign, the role of women has been sought to be completely devalued. Her status as a witness is also sought to be down graded by misinterpreting the relevant verses of the Quran.

There is another embarrassing point which the Committee of course would not refer to. It is about the so-called ideology of Pakistan. Zia is trying to seek legitimation for his otherwise illegitimate rule on the basis of ideology of Pakistan and that is Islam. It is being said that Qaid-e-Azam Jinnah also emphasised Islam as the ideology of Pakistan. However, this claim does not stand scrutiny of the facts. Jinnah wanted to establish a secular State in Pakistan. In an interview which he gave to Mr. Doon Campbell, Reuter's correspondent in New Delhi in 1946, he said :

"The new state would be a modern democratic State with

sovereignty resting in the people and the members of the new nation having equal rights of citizenship regardless of their religion, caste or creed.”<sup>5</sup>

According to Justice Munir, Jinnah’s speech as President of the Constituent Assembly on 11th August, 1947 is one of the clearest expositions of a secular State.<sup>6</sup> It would be relevant to quote an important excerpt from his long speech here. Among other things he said :

“I cannot emphasise it too much. We should begin to work in that spirit and in course of time all these angularities of the majority community—the Hindu community and the Muslim community—because even as regard Muslims, you have Pathans, Punjabis, Shias, Sunnis and so on. Among the Hindus you have Brahmans, Vaishnavites, Khatries, also Bengalis, Madrasis, and so on—will vanish.....Therefore we must learn a lesson from this. You are free, you are free to go to your temples. You are free to go to your mosques or any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the business of the State.....

“We are starting in the days when there is no discrimination, no distinction between one caste or creed or another. We are starting with this fundamental principle that we are all citizens and equal citizens of one State (Loud applause)”<sup>7</sup>

Thus, it is very clear that Jinnah stood for a secular and not a theocratic set-up in Pakistan. Zia, like Islam, is using Jinnah’s name to seek legitimation for his rule. Breaking away of Bangla Desh proved, and, the slogans of separate Baluchistan and Sindhu Desh (Sindu Desh is written on the heart of every Sindhi, said one Sindhi leader of Pakistan) are proving untenability of religion only as a basis of nationalism. The people who are faced with the hard realities of discrimination, despite oneness of religion, on the basis of language and religion, cannot be deceived any more.

Mr. Fida, the Chairman of the Special Committee, defending the recommendation of the Committee, said that he believed that without Islam there was no justification of Pakistan’s being a different country than India.<sup>8</sup> Why this obsession with India? Can’t

Pakistan be different from India even without Islam? This is strange logic indeed. Are all other nations different from each other only because of religion? Or is it so in case of India and Pakistan only? If so, how about Bangla Desh? Is it different from Pakistan because of religion? Both the nations have same religion and so this argument cannot hold water. Mr. Fida is also playing to the gallery.

Another notable absence in the recommended document is that of emphasis on social and distributive justice and guarantees for the basic necessities of life. The 1973 Constitution at last mentioned this in the fifth para of its preamble. According to the 1973 Constitution, the Islamic teachings make it obligatory on the State to ensure socio-economic justice and ensure basic necessities of all the citizens.<sup>9</sup> However, this does not seem to form part of the highlights of the recommendations as reported by the *Mashriq International Weekly*. Zia's military establishment has been fattening itself, along with other exploiting classes in Pakistan. How can it emphasise social and economic justice?

Dr. Mahbub-ul-Haq, the noted economist and Minister for Planning and Development in Zia's government was once known for his views on distributive justice. In late sixties he attracted attention by saying that the economists should not be obsessed with gross national product but instead be more concerned with distributive justice. Now his priorities have again changed and he has been emphasising currently the role of private sector in Pakistan and importance of maximising production. According to a report in the *Pakistan Times Overseas Weekly*, Dr. Haq is reported to have said that "In future the public sector claims for finances will not be easily met. Everything will be scrutinised and given on merit. In fact, the private sector will get more, and to meet the extra demand, the Government would be prepared to even double the capacity of financial institution."<sup>10</sup> He also said that the Government is opening up various sectors one by one for the private sector to come forward and invest according to their choice. He mentioned schools, hospitals, highways and power generation which have been freed and opened for the private sector for investment.<sup>11</sup>

Thus, we see that the Government of Pakistan under Zia-ul-Haq, is giving free hand to the private sector to loot and exploit

the people of Pakistan under the cover of Islamisation. Islamic punishments and rituals are being encouraged. Islamic State is being talked about. All this to prolong an illegitimate military rule and to deny the people the right to shape their future. This is the grossest violation of the spirit of Islam which is democratic and emphasises equality and social justice above all. The people of Pakistan have seen through the game. They are no longer going to be deceived. The brave people of Sindh have already thrown the gauntlet. It is for the people of other provinces to pick it up.

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9. See *Mashriq International Weekly*, op. cit.
10. *The Pakistan Times Overseas Weekly*, op. cit. p. 3.
11. *Ibid.*

## **PART II**

### **INDIAN ISLAM & MUSLIMS**

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## **IMPACT OF BRITISH RULE ON THE MUSLIMS AND THEIR RESPONSES**

The Indian mutiny of 1857 is a watershed in the modern Indian history. The mutiny, in a way, was the manifestation of the accumulated discontent among various sections of Indian people generated due to supplanting of the native rulers as well as their subjects by the East India Company.

The Muslims, needless to say, were not, as often believed, a homogeneous mass. Among them, like the other Indian communities, there were horizontal differences on the basis of race, language, culture, sects, professions etc. as well as vertical differences based on castes and classes. It would, therefore, be wrong to say that the Muslims respond uniformly as a community to socio-economic and political issues. Any realistic account of the Muslim response is to take these multilateral differences into consideration. The British rule, one can say, with high degree of certitude did not evoke uniform reaction from the Indian Muslims. It is the well-known fact that the Muslims living in the western coastal region who were mainly traders were not as anti-British as the Muslims from Northern India; in fact the Muslims trading communities in this coastal region had welcomed the British rule initially and did not show any enthusiasm for the 1857 rebellion or the war of independence whatever we may choose to call it. Similarly, even in Northern India the Muslims, divided as they were into different classes, reacted differently depending on the class they belonged to. Initially, some Muslim

Nawabs and jagirdars, to the extent they benefitted from the British rule, took part along with the British in various intrigues and conspiracies to hold on to power. It was only when it became clear that the Britishers were out to usurp one native State after the other that these rulers joined the anti-British forces which ultimately coalesced together to mutiny. Even among these classes there were scions of jagirdar families who had taken up jobs in the British administrative hierarchy, who opposed the mutineers and helped the British rulers. The Ulama, on the other hand, remained consistently anti-British (there are, of course, certain exceptions to this general rule) both on account of their religious prejudice against the foreign rulers as well as their close touch with lower class Muslims like poor artisans who were further impoverished with the introduction of British manufactured goods. It will be interesting to note here that although the boycott and burning of British cloth was highly beneficial to the Muslim weavers, the Nawab of Dacca and other Muslim princes and jagirdars opposed the boycott movement vehemently<sup>1</sup> whereas the Ulama supported. It will, therefore, be necessary to separately assess the reaction of different sections of the Indian Muslims to the British rule.

To begin with we will assess the reaction of the orthodox Ulama as characterised by the followers of the Shah Waliullah on the one hand and those of Faraidi movement of Bengal on the other. The well-known historian Arnold Toynbee has, in his book *Civilization on Trial and the World and the West*, said about the Mahdi of the Sudan that he adopted 'Zeolot' position when faced with the challenges<sup>2</sup> of modern western culture and defines Zeolotism as 'Archaism evoked by foreign pressure' and Zeolot is one who responds to various cultural attack by affirming his tradition 'with abnormally scrupulous exactitude,'<sup>3</sup> This Zeolotism as defined by Toynbee and applied to the Mahdi of the Sudan can be aptly applied to Faraidi's of Bengal as well as the orthodox Ulama of North India. Toynbee, of course, does not take economic factors in to account and confines to only religio-cultural factors. In our opinion the economic factors play equally, if not more, significant role. Let us take the Faraidi movement of the 19th century Bengal as an example. Freeman Addy and Ibne Azad maintain that, "The Faraji (Faraidi) was merely the Bengali variant of the wider Wahabi movement throughout the Islamic world by

which the Muslim forces retreating under the advance of European colonialism attempted to retrieve their lost social and political stature through ritual purification. In many communities such as Bengal, once the movement took deep roots, it was transformed along class lines.”<sup>4</sup> To begin with the Faraidi movement appeared to render a syncretic cultural fabric which tied Hindu and Muslim cultivators in a common social life but by 1810, although maintaining its religious cover, it had broadened along class lines, beginning most significantly in the areas where a system of commercial Indigo plantations was being organised by European capital. The prominent Faraidi leader, Tidumian, organised cultivators whether Hindu or Muslim, against European planters as well as indigenous landlords and money lenders; again regardless of religion. By 1830, Titumian the former leader’s nephew, came into violent conflict with the English planters and native landlords, and after a number of successes declared an entire area a free zone and assumed the title of Khalif. The British dispatched the movement within a year and imprisoned or hanged its leaders. The discontent, however, smouldered, laying the ground for much wider Indigo Riots of 1859.<sup>5</sup>

Thus, we see that what began as a strong puritanical and revivalist movement is a reaction to the foreign cultural challenge in the sense Toynbee uses it, soon assumed class character. It is also important to note that those who participated in the Faraidi movement belonged to the Bengali low-caste converts from amongst the poor peasantry referred to as Ajlaf (ignoble) by the Turko-Afghan elites who called themselves as Ashraf (Nobles). Freeman Addy and Ibne Azad draw our attention to another significant aspect of this movement. “The response of the middle class bhadrak to these peasant movements revealed” say the authors, “their own specific class interests and correspondingly underlined their political limitations. They greeted the Faraji agitation with indifference, in contrast to their unstinting support for the Indigo Rioters. Although the latter event, with its anti-colonial and national character, was a watershed in the awakening of Bengal’s political consciousness the alliance between the middle and rural classes concealed a fundamental ambiguity for whereas the Faraji movement was directed against zamindari

system to which bhadrakok interests were intimately tied, the Indigo Riots focused much more on European planters.”<sup>6</sup>

Similarly, the Wahabi Ulama (strictly speaking, they were not the followers of Abdal-Wahab of Arabia) of Northern India who waged battle against the British rulers were not motivated by religious puritanism alone although they might not have been conscious of other factors which impelled them to act. Shah Waliullah, their illustrious predecessor was deeply aware of the factors which was bringing about decline of the Moghul Empire so much so that some of his followers naively considered him as the substitute of Karl Marx for the Muslims.<sup>7</sup>

Shah Waliullah in his *Hujjat al-Lahil Baligha* threw light on those socio-economic factors which brought about the downfall of the Moghul Empire and advocated implementation of the true teachings of Islam which aimed at establishment of a just and egalitarian society. However, it would be wrong to ascribe any revolutionary theory to Shah Waliullah. What he was aiming at was the reform of the feudal system so as to make it more just and tolerable for the common people thus arresting its decline. His followers adopted uncompromising attitude towards the British rule in India. Their attitude towards the British rule can be explained on two planes namely religio-cultural and socio-economic. They feared that the British rule in India would mean an end of Islamic Sharia and that the Muslims would be corrupted by the western cultural milieu. Their response to this western challenge was the Ziolotism as explained above with reference to Toynbee's concept. These Ulamas were in close touch with the Muslim artisans in urban areas who were ruined as a result of the introduction of the British manufactured goods. The orthodox ulama who were deeply influenced by Shah Waliullah's socio-economic analysis of the decline of the Moghul Empire rightly held the British rule responsible for the bad days the Muslims had fallen in. They, therefore, vowed to expel the Britishers from India even if it meant fighting shoulder to shoulder with the Hindus and thus they joined the mainstream of the nationalist movement. According to them under the British rule India was no longer Darul Islam. Dr. Moin Shakir says that, "The Wahabi movement was certainly anti-British. Shah Abdul Aziz, son of Shah Waliullah, who saw that even Delhi in 1803

was taken away from the hands of the Muslims, declared that India was no more Darul Islam. It implied that either the Muslims should rise against the Britishers or migrate elsewhere from this country. He said that in India Islam was not secure because the civilized society was disturbed. He regarded the non-Muslims as companions and friends and sounded a call for unity between the two communities. It is true that Shah Abdul Aziz did not lay down a clear cut policy for fighting the real enemy. After the death of Shah Abdul Aziz, the greatest leaders of the Wahabi movement were Syed Ahmed Bareilvi and Shah Ismail.<sup>8</sup>

These ulamas inspired the people to fight back the British rulers and declare India as Darul Harv (Domain of War). With this declaration it became a religious obligation for the Muslims to wage war against the Britishers. It was in this defiant mood that they fought shoulder to shoulder with the rebels during the mutiny of 1857.<sup>9</sup> Later on, Maulana Rashid Ahmed Gangohi, the chief spokesman of the Darul Ulum of the Deoband, issued a Fatwa asking the Muslims to associate with the Congress. In fact, the Wahabis of India had published a book of Fatwas in support of the Congress entitled *Nusrat al-Ahrar*, comprising over 100 Fatwas including two from the leaders of Deoband. Thus, these orthodox ulamas though conservative in outlook and drawing inspiration from the past for their moral, social and ethical life, were politically anti-imperialist-fired by the vow for total annihilation of the British Empire.<sup>10</sup> The Ulama did not flinch in their support to the nationalist movement and remained staunch opponents of the separatist movement launched by the upper class Muslims and the Muslim feudal elements. The stalwarts of Jamiat al-Ulama like Maulana Azad Ahmed Madani, Abul Kalam Azad etc strongly opposed the Muslim league demand for partition and its two nation theory. The Ahrars of the Punjab were also closer to the Congress (though critical of certain communal elements in it) and dubbed the Muslim league as a party of Muslim capitalists.

Now let us consider the impact of British rule on the Muslim upper classes. After the, mutiny the Muslim jargirdars and talukadars, like their Hindu counterparts, compromised with the British rulers and became their loyal supporters. The scions of these feudal families went for the western education in the hope of getting jobs in the British administrative hierarchy

as well as the army and the police. These upper classes were naturally not concerned with the lot of Muslim peasantry in the rural areas and the artisans and other poor Muslims in the urban areas. The upper class Muslims aspired for jobs in the British administration and share in municipal and legislative seats. They had taken the British rule for granted and were, by and large, opposed to the nationalist movement. Sir Syed, in a way, was one of the spokesman of this section of the Indian Muslims. While Maulana Gangohi was issuing Fatwa to fight against the Britishers and to support the Indian National Congress, Sir Syed was persuading the Muslims to support the British regime and concentrate on educational efforts. Sir Syed himself had served the British in their judicial service. The irony of the situation was that while the ulamas were playing politically a progressive role by supporting the nationalist cause they were highly orthodox and puritan in their religious outlook thus depriving the Muslims of the fruits of modern education and the scientific spirit. On the other hand, Sir Syed and his colleagues were playing socially progressive role by advocating modern education and interpreting Islam in the light of modern scientific concepts but politically, to say the least, their role was reactionary. Sir Syed wrote commentary on the Koran in order to make it more acceptable to those who think rationally. He also founded a scientific society with a view to cultivate scientific attitude.

Sir Syed and the men of his ilk were thoroughly imbued with the upper class outlook and, consequently, were rather contemptuous in their attitude towards the lower class Hindus and Muslims. This is obvious from Sir Syed's speech in the Qaiserbagh Baradari during the Muslim educational Congress at Lucknow. Among other things, he said in his speech, "Think for a moment what would be the result if appointments were given by competitive examination. Our all races, not only our Mohamedans but our Rajas of high position and the brave Rajputs who have not forgotten the swords of their ancestors, would be placed as ruler of a Bengali who at sight of a table knife would crawl under his chair...in the normal case no single Mahomedan will secure a seat in the Viceroy's Council. The whole council will consist of Babu so-and-so Mittar, Babu so-and-so Gose, and Babu so-and-so Chuckerburty".<sup>11</sup> Mr. Robinson says in his *Separatism*

*Among Indian Muslims*, "When in December 1886, Beck told the Public Service Commission that competitive examinations would be flooding the service with men from lower provinces, dispossess 'Mahomedans and the upper classes in general, such as the Rajput aristocracy', and that this would have 'a very bad political effect', he was merely echoing the attitude in which Syed Ahmed and his followers were soaked. These attitudes were well-formed before Beck came to Aligarh in November, 1883. And before Syed Ahmed received the greatest marks of government recognition in the late 1880's. Syed Ahmed was working to maintain the influence of the Muslims of the Urdu speaking elite in Indian society. The main demands of the Congress and its associates in the U.P. cut right across this ambition. This opposition to the Congress, therefore, was consistent and predictable."<sup>12</sup>

The fight for more representation in the government jobs and seats in legislative assemblies finally led to separatist movement among the Muslims which, naturally, served the interests, as pointed out above, of the upper classes.

It is well-known that the Simla deputation of October, 1906 was an act of Aligarh elders—Mahdi Ali, Mushtaq Husain, and Sayyid Husain Bilgrami—under the titular leadership of the young Agha Khan. Aligarh was the central headquarters for the effort of organising the deputation. Belgrami's first draft of the address to Viceroy, contained a warrant about the strong feelings of English educated Muslim youth, who felt that Muslims were losing out...<sup>13</sup>

It is also well-known that Simla was catalyst in the formation of the Muslim League, one of a series of efforts to establish a national Muslim political association. The proposal which was drawn up by the Nawab of Dacca stated that one of the aims of the new organisation would be to enlarge Aligarh and 'establish institutions on the lines of the Aligarh College in each presidency or Chief Province in the country.' The Nawab also said that the league would seek 'to enable our young men of education to find scope for public life' without falling into the arms of the Indian National Congress.<sup>14</sup>

Thus, it can be seen that the whole thrust of the separatist movement was to secure reservation for more jobs for the Muslims in the higher echelons of the administrative hierarchy and

greater share in political power for upper class Muslim gentry. This upper class character of the Muslim League never changed, not even after 1937 when the mass membership campaign was launched by it at the rate of two annas per member. Its 14 point charter did not contain any demand reflecting the aspirations of the lower class Muslims like the overwhelming mass of poor peasantry or the poor urban Muslims. Mr. Jinnah did not draw up, unlike the Indian National Congress, any economic programme committing Muslim League to any economic philosophy. The league machinery was completely in the hands of the feudal elements among the Muslims with the result that it did not even reflect the interests of Muslim bourgeoisie. Even today the bourgeois class continues to be a junior partner in the Pakistani political set-up.

The Muslims from North dominated the political movement. The Muslims from western India as well as from the South never acquired much importance they otherwise deserved. It was partly because of the fact that Northern India was the seat of Muslim power and therefore the centre of Muslim feudal class. Indian Muslims, unlike the Hindus, never developed an industrial entrepreneurial class. The Parsees and Hindu Marwaris, on the other hand, began to develop during the British regime, an entrepreneurial class which grew stronger and stronger day by day and hence had a hand in influencing the Congress policies. The Muslim politics on the other hand, was dominated by either the orthodox ulama (whose puritanical militancy could hardly be congenial to the growth of modern entrepreneurial class) and the feudal lords of North West India. There were some mercantile communities like the Kutchi Memons, Khojas, Bohras etc in the western coastal region. But the mercantile bourgeoisie belonging to those communities was too weak to influence the main trend of Muslim politics. The section of this mercantile bourgeoisie found the Indian National Congress more in keeping with their modest aspirations and hence joined it. No doubt, some Muslim merchants, especially of petty bourgeois category, supported the Muslim league but could hardly hope to influence its policies. But, these mercantile communities, by and large supported the British regime as the British rule in the coastal region had definitely improved their business prospects. These communities were relatively more

liberal and could take to western education without much resistance unlike their counterparts in North India. Many from amongst these communities, in fact, welcomed the British rule and never felt drawn to nationalist agitation as their interests, unlike those of growing industrial bourgeoisie on the one hand, and the badly exploited peasantry, by the British sponsored landlords on the other, never clashed with those of the British rulers. However, to be fair to them, it must be said that the persons like Badruddin Tayyebji belonging to these mercantile communities played an important role in the nationalist movement.

The British rule, with its civil, judicial and educational systems created a professional class to which belonged men of liberal professions like legal practitioners, university teachers, judges, doctors, engineers, etc. The Muslims who took to these professions developed, more often than not, liberal outlook and scientific spirit of inquiry. The Muslims belonging to these professional classes advocated certain reforms which were over due.

Justice Amir Ali, Sir Syed Ahmed Khan, Maulvi Khuda Baksh and many others became the harbingers of these modern reforms. They also interpreted Islamic teachings in the light of modern social science and thus tried to make them more acceptable to the modern mind while retaining its essential spirit. These illustrious thinkers were more concerned with the momentum of its inner spirit rather than its outer paraphernalia. Needless to say, they developed this outlook as a result of the liberal western education. The Britishers also in a subtle way encouraged these reforms. The Britishers had, of course, their own interests in encouraging these modern reforms; these reform movements tended to distract attention from the movements which were aimed at political change. Those who took part in the movements for social reforms considered this as a main issue relegating the political problems to a secondary position. It is not, therefore, very strange to find these social reformers to be the loyal supporters of the British regime. Justice Amir Ali, Sir Syed, Nawab Muhsin-ul-Mulk etc. were all pro-British in their attitude. So was person like Ramaswamy Naicker from Madras who was deadly enemy of the Brahmanical set-up and staunch rationalist. This is not to undermine, much less under rate, the significance of social reforms. I am only trying to point out the fact that these social

reform movements had their own class character, and in a backward and feudal country like India religious militancy went well with the political militancy and liberalism found it more congenial to support political status-quo.

Thus, we see that the British rule evoked different responses from the different sections of the Indian Muslim Community. The religion, undoubtedly, is a harmonising factor but the horizontal as well as vertical divisions like those of race, language, culture, caste and classes tend to over ride the religious factor even if the religion, in question, may be of a social leveller like that of Islam. The objective material conditions determine an ideal as much as the ideal influences the external conditions. The religion of Islam has proved no exception to this rule. The different sections of the Muslims responded, as we have seen above to the facts of the British rule more in keeping with their class interests rather than the religious interests.

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## EMPIRICAL STUDY OF INDIAN ISLAM

Do religious doctrines and practices undergo change when transplanted to a region or regions other than that of its origin? Should the practices and beliefs of local populace be incorporated in or assimilated to the main body of the teachings of a doctrinaire religion? The theologians, clinging to the normative, may not agree. However, the empirical reality may not always conform to the normative. It has its own logic. All the major religions—Buddhism, Christianity and Islam—had to assimilate local beliefs and practices in one form or the other in order to establish their credibility and acceptability with the local people. Thus, Hossein Nasr maintains: "Within each religion as well, especially within those that have been destined for many ethnic groups, different orthodox interpretations of the tradition, of the one heavenly message, have been necessary in order to guarantee the integration of the different psychological and ethnic groupings into a single spiritual perspective!" (Tabataba'i, 1975, pp-6,7).

Further elaborating his point of view, he says, "It is difficult to imagine how the Far Eastern peoples could have become Buddhist without the Mahayana school, or some of the Eastern peoples Muslim without Shi'ism. The presence of such divisions within the religious tradition, in question, does not contradict its inner unity and transcendence. Rather it has been the way of ensuring spiritual unity in a world of diverse cultural and ethnic backgrounds." (Ibid., pp-7).

Satish C. Misra calls this process of assimilation as 'indigenization'. According to him the two processes of indigenization and Islamization went hand in hand throughout the medieval period. He concludes :

Indigenization denotes a process which, in course of generations, led to the adaptation of the mores of an immigrant people or community to the land where they came to settle. Certain mores were retained while others given up in place of those accepted. It was not usually a conscious process though, as in case of personal law, it could be and was legitimized. It also differed significantly from region to region : an Afghan indigenized in Rajasthan would develop different ways than another settled in Gujarat or Malwa or Bengal; the three of them would, however, have some culture traits which would identify them as Afghans (1973 : 11).

Thus, it is obvious that a mere doctrinal or purely scriptural approach—what Mandelbaum calls 'transcendental complex'—would not suffice to understand the religious reality in India. Mandelbaum thus observes :

The one aspect of religion might more aptly be called the transcendental complex and the other the pragmatic complex. One is ultimate, supernal, derived from Sanskrit texts; the other is proximate local, validated by vernacular tales. Whatever terms are chosen, the important fact is that both are used as part of the whole setting of religion in India, each is employed for generally differing (though frequently overlapping purposes) within the frame of religion and each is popularly considered to be complementary to the other. (1964 : 10).

In order, therefore, to understand Indian Islam mere scriptural approach would not suffice. Empirical studies must be undertaken to comprehend indigenous factors which, alongwith the textual factors, have contributed richly to what we can broadly describe as an Indian Islam. However, for various reasons not to be gone into here, there are very few empirical studies of the beliefs and practices of Indian Muslims. There is, needless to say, a great need for such empirical studies, if the Indian Islam has to be studied and understood in all its aspects. It is, precisely, in this

context that one must appreciate the series of books edited by the noted scholar Dr. Intiaz Ahmad on the various aspects of the practices of beliefs of Muslims in different regions of India from Kashmir to Kanya Kumari on one hand, and, from Assam to Gujarat, on the other.

Dr. Ahmad has edited 4 volumes in this series. The first volume published in 1976 is on *Family, Kinship and Marriage among Muslims in India*; the second volume published in 1978 is entitled *Caste and Social Stratification among Muslims in India*; The third in the series brought out in 1981 is known as *Ritual and Religion among Muslims in India* and the 4th and last one has just been out (1983) named as *Modernization and Social Change among Indian Muslims*. All the volumes have been published by Manohar from Delhi.

An attempt will be made here to evaluate the worth of these volumes on Indian Muslims. In the first volume on kinship and marriage there are 12 contributions covering Assamese Muslims, Muslim Karkhanedars of Delhi, Sunni Surati Vohras of South Gujarat, Gujar Bakarwals of Jammu and Kashmir, Muslims in Dharwar, Karnataka, kinship and marriage customs among the Moplahs of Kerala, purdah and the Muslim family in the Bhopal region of Central India, Muslim kinship and modernization in the Tyabji clan of Bombay, purdah and family structure of Konkani Muslims, kinship and marriage among the Meos of Rajasthan, family structure of the Muslim merchants of Tamilnadu and caste and kinship in a Muslim village of Eastern U.P.

The second volume on caste and social stratification carries again 12 contributions. The regions covered in this volume are Southern Bihar, South-west Coast of India, Lakshadweep, Bombay, Bhivandi, Rajasthan, Tamilnadu, Allahabad, Western Uttar Pradesh, Calcutta and the rural area of West Bengal.

The third volume on ritual and religion includes seven articles and the areas covered are Kashmir, South India, Konkani along the Western coast of Maharashtra, Gujarat, U.P. and Delhi. The fourth volume carrying ten contributions discusses the problems and attitudes of Muslims as far as the process of modernization and change is concerned. In this volume there are articles of general nature covering all the Indian Muslims as well as those based on field studies in particular areas covering different

regions of India. The problem areas covered are modernization and Islamization, modernization and revivalism, modernization and ethnicity, changing concepts of caste and status, modernization and status of Muslim women, modernization and education and family planning.

The strong point of these contributions, it is necessary to emphasise, is that almost all of them are based on field studies and empirical data. There is no dearth of theoretical studies of Indian Islam but what is needed most, as pointed out earlier, is the empirical and field studies. It should also be remembered that practice of and belief in a religion embraces various aspects of life from birth to death what is called life cycle rituals. In order to understand the practice of religion in its totality one must study all these aspects in the field and there lies the importance of the present series of volumes.

Imtiaz Ahmad has tried to cover, in this series, practically all the aspects of Islam as it is practiced in different regions of India. In order to evaluate these volumes it is first of all necessary to understand the approach Dr. Ahmad adopts towards the Muslim religious system. According to him there exist several levels in the religious system of Muslims in India, and the beliefs, values and ritual practices at each level enjoy a certain degree of autonomy, being relevant for presumably different purposes, yet at the same time remaining very much an integral part of Islam in India (1981 : 12).

Dr. Imtiaz Ahmad finds at least three such recognizable level. The first level in the Muslim religious system, according to him, is that of the beliefs and practices that are traditionally described as belonging to formal or scriptural Islam. The second level includes beliefs and values which have no scriptural sanction. Not only that, they may even be opposed or antithetical to them. However, they are regarded by the Muslims as much part of their religious system as the values and beliefs based on scriptures. The third level in the religious system of the Muslims in India, according to Dr. Imtiaz, is comprised of the beliefs and behaviour patterns usually described by social anthropologists as pragmatic or practical religion. It contains a large number of non-philosophical elements such as supernatural theories of disease causation, propitiation of Muslim saints and, occasionally at least, deities of

the Hindu pantheon or other crude phenomenon such as spirit possession, evil eye, etc. (1981 :12-13).

Imtiaz also points out, and rightly so, that most of the elements of the religious system at this level are strongly antithetical to the beliefs and values prevalent at the other two levels and are so regarded by the Muslims. And yet it is difficult to cut them out of the religious system. However, Dr. Imtiaz feels that the rituals and behaviour that are characteristic of this level are observed secretly, often without the mediation of religious functionaries (1981 : 13).

Indentification of these levels, in the religious system of Indian Muslims, although not quite complete, is quite important and deserves to be taken note of by the social scientists who desire to understand the nature of Indian Islam. The local traditions assimilated by Indian Islam, one should bear in mind, provided it the religio-cultural stability, it so badly needed. Dr. Ahmad, therefore, rightly points out :

It seems plausible that the resistance and resilience shown by the indigenous traditions encouraged Indian Islam in India to accept and retain the local cultural traditions but adapt them to its own requirements and needs by putting an Islamic content into them. This seems to be the logical *modus operandi* whereby presumably Islam was eventually successful in establishing its integrity and at the same time stabilizing itself on the otherwise religiously clustered Indian scene (1981 : 15).

The present series on Indian Islam is useful from another point of view also. It is generally maintained by communalist propagandists in this country that Islam refuses to Indianize itself even to the slightest degree and that it doggedly maintains its pristine character. Consequently, the Indian Muslims are also accused of refusing to assimilate the local traditions. The empirical studies, contained in these volumes, belie this supposition. On the contrary, it is established beyond any pale of doubt that it is difficult to think of Indian Muslims without local and regional Indian cultural traditions. The Gujar Bakarwals of Jammu and Kashmir, the Muslim merchants of Tamilnadu, the Moplah Muslims of Kerala, the Muslims of Lakshadweep, the Meos of Rajasthan, the Khojas, Bohras and Memons of Gujarat or the

Muslims of Assam and Bengal, all of them have assimilated to a greater or lesser degree, the local or regional traditions. These traditions have become integral part of their life cycle rituals. We shall demonstrate this from various contributions to the present volumes.

The Chutti Din (sixth day rituals after the birth of a child) described by Lina M. Fruzzetti from rural Bengali Muslim household is quite interesting in this connection. Muslims in Bengal, according to her, observe *chutti* which is more of a celebration. It is the day when the mother will bathe away part of the pollution caused by birth. For the Hindus, *setera* (the sixth) is equivalent to *chutti* (which also means the sixth). Though there is no actual worship of Sasthi on this day, the Muslims say that this is *Sasthir din*—the day of Sasthi. On this day, the mother and child will emerge from the *aetur ghore* to bathe (for the mother this is her first bath since the birth of the child and for the child this is his/her second bath). Fruzzetti also tells us that the Muslims use the Hindu midwife and washermen because of caste occupations. Also on *chutti*, the house is cleaned and perhaps whitewashed. The barber woman is called in for *kamano* (pairing of the mother's and child's nails). At this time, the child's head is shaved and the hair is weighed (Ahmad, 1981 : 100–101).

Fruzzetti thus goes on describing all the rituals connected with birth and death draws close parallel with similar rituals observed by the Hindus in the rural Bengal. There are other interesting instances. The saint worship rituals also show the local Hindu influences on the practices of Indian Muslims. Kerin Fraefin V. Schwerin in his article "Saint Worship in Indian Islam : The legend of the Martyr Salar Masud Ghazi" describes in detail these rituals. We are told that the Majority of Ghazi Miyan's and the *Pach Pirs'* devotees are the lower caste Hindus (Doms, Nats Mirasis) and those converted from the lower castes to Islam (Lal Begis, Julahas, etc.). These groups were essentially tribals who had only just settled down and begun to take up professions such as musician (Dafali), sweeper (Doms), beggar, artist, prostitute, etc." (Ahmad, 1981 : 154).

There is an interesting parallel between Balmik (Valmiki, the ancestor of the Doms) and Ghazi Miyan. Thus. Schwerin points out :

It is also possible to prove a relation between Balmik and

Ghazi Miyan in the case of the mound or anthill. The mound or anthill stands out prominently in the worship of Ghazi Miyan in all the regions (Bengal, Chota Nagpur, Madhya Pradesh, UP, Punjab). The rain-shower sent by Indra to bring Balmik back to life is symbolised by the washing of the mound or anthill. The mound can be understood as the feminine child bearing element (Ahmad, 1981 : 155).

A. R. Saiyid studies the Moharram rituals in the Konkan region and finds close parallel between the Hindu and Muslim rituals in many respects. "It is the contention of the present author," he points out significantly, "That a number of the 'little' and 'local' traditions concerning Moharram are, in fact, adjustment mechanisms that rural Muslims have created for their psychological stability and security. In addition to this intra-person dimension, such practices are also instrumental for inter-group integration in culturally/religiously pluralistic situation." (Ahmad, 1981 : 116).

The Hindus also participate in the *tazziya* festival. Thus, Saiyid records in his study : "In Fatehpur, the *tazziyas* were found to be popular among the Hindus also and several of them visited the *tazziyas* for darshan, and made *mannats* and offerings. Thus, in so far as the common problems of life are concerned, Hindus and Muslims were united in seeking solutions through the *tazziyas*. But apart from *tazziyas*, Moharram increased inter-communal interaction. During the entire ten days, Hindus, including Brahmans, were found to be visiting Muslim localities and even houses. The Hindu, guests were served with various snacks and, in some instances, with alcoholic drinks as well (Ahmad, 1981 : 123-24)

Caste is considered to be purely a Hindu religious phenomenon. Muslims, as the followers of Islam, are normally thought to be free of caste contamination. This is perfectly true on a normative plane. But the empirical studies gathered together in the second volume of the present series *Caste and Social Stratification among Muslims in India*, points to a different reality. Even Muslims in India are not free of caste divisions although, theologically speaking, there is absolutely no such sanction in Islam. The caste system has assumed the form of endogamous biradries (literally fraternity). Of course, among the Muslims there is no concept

of pollution but the idea of high and low, even absence of commensality, has struck deep roots among the Muslims of different regions in India. Perhaps, in its worst form, caste practices are found among the Muslims of Lakshadweep. We shall refer to it shortly.

As for the applicability of the concept of caste to non-Hindu communities Imtiaz Ahmad points out :

Caste first came to be identified as a principle of social stratification among the Hindus and this fact has had a determining influence on the sociologists' orientation to the question of the application of the term caste to groups outside Hinduism. Even those who take a purely structural view of the institution recognize that there are limits beyond which a social system cannot differ and yet still deserve the label 'caste.' Moreover, while analysing systems of social stratification in other religions and societies, they tend quite unconsciously to follow a culture-specific definition of the institution and base their discussion on the Hindu phenomenon. Obviously, then, a consideration of caste among the Muslims would require to be based not on purely structural criteria but rather on the degree to which their social stratification displays principles and features characteristically associated with caste among the Hindus (Ahmad, 1978 : 2-3).

Most of the contributors to this volume tend to take this view. Perhaps, it seems to be the available approach among the sociologists and social anthropologists in the Indian social milieu. Pratap C. Aggarwal, in his contribution on the practice of caste among the Meo Muslims of Chavandi Kalan in Rajasthan adopts a simple definition of caste "...as a ranked social division in which membership is determined by birth." Aggarwal feels that "This definition is both simple and useful for a comparative analysis of this institution." (Ahmad, 1978 : 142).

Let us now examine some of the caste practices among Muslims from different regions. Leela Dube has carried out study of caste among the Muslims of Laccadive (Lakshadweep) which makes quite an interesting study of caste practices. There are mainly two castes (of course there are more but we are confining our reference to two only here) among the Laccadive Muslims

namely Koyas and Melacheris. The Koyas constitute the upper caste and the Melacheris, the tree climbers, the lower one. Both are endogamous. The Melacheris bear the principal brunt of work. They pluck coconuts, tap toddy, carry loads, work as crew-hands, thatch the roof of houses and do much of the hard and sustained labour involved in house building. They are also adept at fishing (Ibid : 72).

Endogamy is strictly observed between these two groups. Leela Dube informs us that marriages between the Koyas and Melacheris are strongly disapproved of even today. In 1969 a very pretty Melacheri girl married a Koya boy. The boy ultimately divorced the girl under strong pressure from his parents and people. The union of the two was considered outrageous. Leela Dube also informs us that the deference structure between the two castes is not much different from that of the Hindu castes. The Koyas have been traditionally landlords and enjoyed political power. The priests of the mosques happen to be Koyas and Melacheris are required to do menial work. Only the Koyas could specialize in the recitation of verses from the Koran or the names of the Saints and participate in the *mawluds* conducted on various socio-religious occasions (Ibid : 76)

What is worse only a Koya was privileged to wear a shirt, shoes, and silk garments, or to use an umbrella. All this was denied to the lower groups, who were required to take the upper cloth off their shoulders and move aside if they encountered a Koya on the road. They were also expected to keep their lips covered when talking to a Koya. Of course, there was no concept of pollution in all this as the Melacheris are allowed to cook on festive occasions for the Koyas. Now, as a result of a struggle stretching over half a century, the Melacheris have won their rights and the rigours of caste distinctions have been very much lessened.

M. K. A. Siddiqui and Ranjit K. Bhattacharya, in their study of the Muslims of Calcutta and rural West Bengal come to the conclusion that interdining is confined to one's kin group or known range within the kin group, According to Siddiqui, "The symbolic ritual equality of the members of an ethnic group is expressed in such terms as *tat* or *chatai* upon which members can sit, smoke and eat together.....This phenomenon is observed among the

Qureshi, Chik, Mansuri, Dafali and other occupational groups.” (Ibid : 260). Bhattacharya while discussing the question of commensality feels that the notion of ritual purity and pollution prevails among the Muslim castes, He says, “To a certain degree this notion provides indirect evidence of the existence of a concept of purity and pollution in inter-ethnic relationships. In fact, some Sheikh informants of both the sexes indicate that the Patua and Momin are regarded as low groups in the same sense of the phrase that the local Hindus use to specify their different castes of low status, e.g., *chhottolok* or *chhotojat*.... Furthermore, the Khiruli Sheikhs in general maintain that they refrain from dining with Patuas and Momins simply because they are lowly-placed in terms of their social standing.” (Ibid. : 291).

Marriage and kinship relations have also been greatly influenced by the local practices among the Indian Muslims. The Koranic prescriptions, though normative, are not always strictly adhered to. For example the Koran allows marriage with cousins both parallel and cross. But there are some Muslim communities which do not enter into such marital relations. For example the Gujar Bakarwals of Jammu and Kashmir do not approve of such marriages. Thus, R. P. Khatana in his contribution on “Marriage and Kinship among the Gujar Bakarwals of Jammu and Kashmir” says, “The Gujar Bakarwals recognise marriage with both parallel and cross cousins to be legitimate. However, instances of such marriages are extremely rare. While such marriages are accorded the status of regular marriages whenever they occur, they are not considered disirable by the Gujar Bakarwals as a whole.” (Ahmad, 1976 : 94)

Earlier the Gujar Bakarwals used to follow even the *gotra* restrictions but it is no longer widely prevalent. The Meos of Rajasthan, on the other hand, still observe, quite meticulously, the *gotra* restrictions. Thus, says Aggarwal :

The entire Meo caste is subdivided into a large number of exogamous groups. Members of each of these groups claim common ancestry and therefore have a close genetic relationship. Consequently, marriage between a man and a woman belonging to the same group is considered incestuous. These groups are of two types : the *pals* and the *gotras*. In all there are thirteen *pals* and over sixty-seven *gotras*,” (Ibid. : 268)

The case of mother-right Moplahs is equally interesting. "The kinship organization and property concepts of the mother-right Moplahs are much more elaborate and complex," says Victor S. D'Souza in his contribution on "Kinship Organization and Marriage Customs among the Moplahs on the South-West coast of India (Ibid. : 143). The mother-right system is indigenous to Kerala where it is mainly followed by the Nairs. Mr. D'Souza points out :

The Moplahs of North Malabar-for instance, those residing in Cannanore, Tellichery and Quilandy-have retained even to the present day the important features of the Nair *tharavad* system to a remarkable extent and they follow the *marumakkathayam* system of inheritance (it is fast dying out among the Hindus themselves, but the Moplahs are holding on to it tenaciously) (Ibid. : 146)

Among the mother-right Moplahs the husband is not obliged to maintain his wife-a practice quite contrary to the Islamic law. Says D'Souza : "Since the woman resides in her own *tharavad* house, she is maintained by the *karanavar* out of the *tharavad* property and her husband is not bound to maintain her. As a matter of fact, in many of the rich *tharavads*, notably in the *Arakkal tharavad* or the so-called Ali Raja family of Cannanore, the women as well as their husbands are maintained out of the *tharavad* funds." (Ibid. : 147).

The study of kinship and marriage patterns among the Sunni Vohras of South Gujarat and the Karkhanedars of Old Delhi also indicate strong local influences. Thus, Rizvi, Ahmad and Conklin explicitly state that the norms favouring joint family living-a feature so characteristic of the Hindu scriptural literature-are equally widely held among Muslims. The feeling for the norm, notes Rizvi is so strong that even while several Karkhanedar families live severally in a common house, each family unit owning its own hearth and keeping its purse separately, their members continue to convey an impression of great solidarity among the different persons living in the same building" (Ibid. : xxii).

A. R. Saiyed, in his study of Konkni Muslims of Ratnagiri districts, gives us quite an interesting information on the independent and dominant role of women. There is near absence of polygamy among the Konkni Muslims. "Since," says Saiyed, "both the

existential conditions as well as the norms of family life are such as to minimize marital tensions and conflicts, there is an exceedingly low incidence of divorce and polygyny" (Ibid. : 258). The Muslim women in Konkan also enjoy great deal of economic freedom as, in the absence of their husbands who are mostly away in urban centres or abroad, it is they who mind the fields and farms. They have also to do away with purdah for precisely this reason.

Another important aspect of the study of Indian Muslims is modernization and social change. Imtiaz Ahmad, in order to deal with this problem, has collected some interesting articles on this subject in his fourth and last volume of the series *Modernization and Social Change among Muslims in India*. Throwing light on the desirability of this volume he says :

Perhaps, it is only appropriate that the last of a series of books dealing with the social and cultural life of Muslims in India should be devoted to a discussion of the theme of modernization and social change among them. Ever since India achieved independence, national policies have been directed toward a radical reorganization of Indian society and a number of schemes and programmes have been introduced and carried out to achieve this goal. (Ahmad, 1983 ; vii) :

It is very important to study the impact of social change on Indian Muslims as often it has been maintained that they are change resistant. A correct picture can emerge only if different classes and communities of Indian Muslims are studied from this angle. The book under discussion fills this bill quite successfully.

Islam has often been taken as a reified religion and as rightly pointed out by Peter B. Mayer, "Those who argue for the existence of such characteristic traits seek them not in contemporary, but in past Islamic civilizations. Working deductively Islamic aspects of contemporary Muslims to the formal written principles and ancient historical practices of Islam." (Ibid. :3). He then goes on to point out, "When concepts are reified in this way they become not only part of a process of 'mystification' in the Marxian sense, but they stand in very real danger of losing any analytical utility which they might otherwise have possessed." (Ibid. :5)

The field studies included in this volume conclusively show that different classes and communities of Muslims in India are responding to the process of change and modernization. So much so that Theodore P. Wright Jr. points out in his contribution that even the revivalists have, although inadvertently, contributed to modernization of Indian Muslims.

Niesha Z. Haniff, in an interesting contribution "Muslim Women and the Minority Mentality" brings out the fact through her field surveys that the Muslim women, even from poorer classes, are undergoing changes in their perceptions. It is interesting to note that as for the economic backwardness among the Muslims, these women did not blame others as it is usually done. Haniff says :

Even though a majority of the women saw Muslims as poorer than Hindus they attributed this to reasons other than prejudice. It would appear then that the women perceived an open access to economic participation in India, a perception which would not fit into the definition of minority mentality but rather into that of majority mentality. (Ibid. : 194)

Shahida Lateef in her study of the changing status of Muslim women comes to the conclusion that they are not immune to the process of change. They are becoming more and more conscious of their ascribed status and hence are striving to bring this ascribed status nearer to their achieved status.

It is also not true that the Muslims reject the idea of family planning. The attitude of Muslims to family planning, as among other communities, depends on their economic status. Thus, M E. Khan in his "Knowledge, Attitudes and practice of Family planning among Muslims in an Urban Setting"—a field study of the Kanpur Muslims—comes to the following conclusion :

It was also observed that perceived economic status behaved differently in the two groups of the Muslims..... The reason may be that in the traditional way of life of the Muslims following a hereditary occupation, family planning is adopted only when their economic position forced them to do so... In contrast, the Muslims not following any hereditary occupation tend to adopt modern ways of life as their income increases. An increase in perceived economic status may further in-

increase their aspirations for self and children and thus motivate them to plan their family. (Ibid. : 270)

Thus, it would be seen that pure theorisation without empirical data can lead to wrong conclusions. Theoretical concepts must be adequately supported by empirical data. The Islamicists and fundamentalists emphasise, on the one hand, the purity of Islam and refuse to take cognizance of the actual beliefs and practices of Indian Muslims denouncing them as mere accretions and, there are those social scientists, on the other hand, who treat Islam as a reified religion and Muslims following this reified religion without being affected by their social milieu or contemporaneous situation in any way. Both the positions, needless to say, are erroneous.

The Muslims are as much product of their social milieu and contemporary situation as any one else. However, in view of the hardened attitudes, it is necessary to have field studies of the type Imtiaz Ahmad has collected in his four-volume series under review. It is very worthwhile attempt and deserves the attention of all those social scientists who are engaged in the study of Indian Muslims. This series, I must say, covers various aspects pertaining to socio-religious life of Indian Muslims hailing from different regions of India. These studies also clearly and convincingly point out that the Indian Muslims are integral part of different regional cultures and have deeply imbibed those cultural traits even when they go against the precepts of their religion. The myth that the Indian Muslims are separatists and refuse to integrate themselves with the mainstream of Indian life thus gets punctured by these studies.

While this series constitutes an important study of Indian Muslims, there are some limitations also which is quite natural in a study of this dimension. From each region, one particular aspect of Muslim life has been studied. For example, from Assam and Gujarat only kinship and marriage patterns have been studied, leaving out many other useful aspects. Again from Bombay only the kinship pattern of Tyabji family has been included leaving out completely the other varied and socio-culturally rich sections of Muslims. The Khojas of Bombay have been categorised as caste although they are a religious sect. Hyderabad (and Andhra Pradesh) does not find any place in these studies. From Karnatak

too only Dharwar is represented. However, despite these limitations the 4 volume series edited by Imtiaz is a very valuable addition to the growing literature on Indian Muslims. It is hoped other social scientists too would pay greater attention to such field studies.

## **REFORM MOVEMENTS IN INDIAN ISLAM**

### **A DISSENTING PERSPECTIVE**

Religion, revealed or otherwise, is a vision inspired by the noblest of the urges and which is obtained after great deal of inner struggle which goes on within the depth of the soul of its founder. This vision takes into its sweep the broadest possible aspects of human life both in its individual and collective capacity and hence, more of ten than not, tends to be transcendental, again both, spatially and temporally. This vision also emphasises, in varying degrees values like truth, justice, goodness, universal brotherhood, equality etc. etc. Having seen religion thus in its broadest aspect one also has to take into account its historicity and establish its coordinates in concrete space and time. The form and content of religion are determined, in addition to the transcendental vision (this vision is often treated as supra-rational and even mystical although it is difficult to agree with this point of view in its entirety) by its spatio-temporal coordinates.

Islam too, while being undenialey a spiritual vision of its great founder in all its transcendental aspects, had its geographical local as well as historical dimension and both these were manifested, both in abstract and concrete shape through its teachings. Most of the elements of the Islamic shari'at, as against its universal vision, described in contradistinction to it (i. e. shari'ah) as Deen by the scholars like Abul Kalam Azad, as the birthmarks of the

Arabian society of the late 6th century A.D. The holy Koran admits of historicity and spatio-temporal coordinates of shari'ah when it says "God had prescribed different ceremonials at different times and for different countries. Whatever appropriate to a particular situation was prescribed. Had God so desired, He would have made all mankind of but one pattern. But that evidently was not His purpose. Variations were called for; and these did take rise. But this variation should not form the ground for; conflict between one and another, what really mattered in this context was Shairat or righteous action to which every varying ceremonial was subsidiary."

As against this the Koran also makes it very clear what it means by Din or righteous action lest one should misunderstand these ceremonials confined within a spatio temporal frame-work as constituting righteous action : Righteousness is not that you turn your faces (in prayer) towards the east or the west; but righteousness is this, that one believeth in God, in the last Day, in the angles, in the Books and in the Prophets, and for the love of God giveth of his wealth to his kindred and to the orphans and to the needy and to the wayfarer, and to those who ask and to affect the freedom of the slave, and observeth prayer and payeth the poor-one and is of those who are faithful to their engagements when they have engaged in them, and endureth with fortitude poverty, distress and moments of peril-these are they who are true in their faith and these are they who are truly righteous. (Q : 2 : 177)

The first forty years after the hijra of the prophet could be described as the early formative period of Islam. The Prophet's central vision was, during ten years after his migration to Madina, concretised through his own exemplary behaviour, supplemented of course, by the exigencies of the situation. Islam, due to historical circumstances of its origin, always emphasised concrete over the abstract. It was, and still remains, a historical project and more of a praxis than abstract philosophical doctrines. In its concreteness it assimilated best of the Arab traditions which did not conflict with its central vision. The Islamic Shari'a can be said to be rooted in this sense in the Arabian collective tradition although the central vision of Islam is as much part of it. The central vision of Islam, in a way, has been summed up in the above Koranic verse. It would be seen that it is inspired by

equality, social justice and brotherhood. This vision found expression through Arabian traditions and institutions and thus can be called the Hinayan period of Islam.

The later conquests which began after the death of the Prophet brought the Muslim Arabs face to face with Hellenic and Sassanid traditions which, through cultural and intellectual interactions left deep imprint both on Islamic thought and practice. Speculative elements over the concrete now began to assert themselves. Thus, according to Iqbal inductive and concrete spirit of the Koran was superseded, during this period, by speculative and deductive thought. During the Umayyad and the Abbasid period the frontiers of Islamic society went on expanding assimilating alien traditions in one form or the other. These accretions enriched and deepened the Islamic thought and thus this period could be described as the Mahayan period of Islam.

When Islam spread to India, it did so through latitudinarian and assimilative practices of Sufi saints rather than rigid and exclusivistic practices of Ulama or the Jurists. Wahdat al-Wujud of Ibn Arabi which inspired these Sufi Saints was assimilative rather than rejectionists. Thus, many of the vedantic tradition, representing different vision of life, tended to become part of Indian Islam. Thus, Atindranath Bose says in 'The Cultural Heritage of India' (Vol.III,pp-460-62) :

“The, Islam knocked on the western gates of India; and the Sufis, inspired by the Islamic idea of equality, came as the torch-bearer of a liberal folk philosophy... Their spirit was free from those superstitions and rigidities which caused stagnation among the classical Indian and Islamic schools. Against the sterility of the orthodox system, the new popular appeals awakened a fresh spiritual fervour and let loose great creative power which so long lay dormant. A new philosophy grew up based on the material of human value. It trusted in the latent divinity of the human soul in the universality of love, and in the dynamic power of emotion. It released powerful spiritual energy hitherto pent up by social barriers among the dumb millions of the soil... Sind and Bengal were the last nurseries of this syncretizing popular philosophy.”

The Sufi saints found close parallels in Hindu philosophy and did not hesitate to acknowledge this fact, as against Ulama who remained irreconciled to any attempt at 'syncretization. The Sufis recognised the essence of (I am the Truth) in 'Aham Brahmasami' and that of wahdat-al-wujud in advaita-vedantin. According to Dr. F. Mujtabai in both cases jnana or m'arifa is the only state in which the ultimate truth can be realised. This state cannot be obtained through discursive reasoning, nor through the study of scriptures or performance of religious duties. It results from the progress on the mystical path (marga ortariqat) and transformation of the self in and through successive stages (bhumikas or maqamat), which lead to intuitive enlightenment (savikalpa-samadhi and saksatkara of kashf as-shuhud) and eventually, to the final liberation (nirvikalpa-samadhi and mukti or fana' fi'llah and baqa' bi'llah). Just as the Advaita, Vedantists argue that self-knowledge (atma-jnana) is concomitant with realisation of the Supreme Self (Brahma-vidya), so also, according to Muslim mystics, realisation of the Supreme Being ensues from the knowledge of one's own self:

(One who knows his self knows his God as well".<sup>1</sup>)

The Sufi Islam (and undoubtedly it was the popular Islam) thus acquired new dimensions in Indian soil and this Big Vessel (Mahayana) added much to itself enriching its contents in the process. The Ulama by emphasising the letter of shari'a (rather than its spirit) froze Islam both spatially and temporally, the Sufis liberated it spatially although not temporally. Liberating Islam temporally (i. e. bringing it in the mainstream of historical process is an extremely onerous task which has yet to begin systematically). However, this process of universalisation of Islam at the hands of the Sufi saints was strongly disapproved by the Ulama for whom the essence of Islam was represented by fiqh (jurisprudence) alone. For them secondary details of shari'a in all their rigidity mattered much more than anything else. Thus, their strictly casuistic approach narrowed the circle of Islamic influence. They always dismissed with contempt the Sufi Saints' preference for tariqat over shari'at. In fact, they treated wahdat-al-wujud as a lurking danger for Islam.

The sufi cults with their central doctrine of sulh kul (universal love) acquired so much popularity that the Ulama now not

only began to denounce their pantheism but also set out to make concerted efforts for restoring the purity of early Islam i. e. shearing it of all later accretions and trappings—Islam shrunk to its Arabian locale. Shaikh Ahmad Sirhindi also known as Mujaddid Alf-i-Thani who was born in 971 A.H. began serious attempts at reforming Indian Islam by purging it of all undesirable practices. According to Burhan Ahmad Faruqi “he prepared a number of his disciples for the work and sent them in all directions to preach the true Islam, to emphasise the Itaba’-i-Suunat or following the example of the Holy Prophet, and to bring the people back to the fold of the Shari’at. Also, “Tawhid is the problem on which the Mujaddid has deservingly laid the greatest emphasis and made great and original contributions. Thereby he has undermined the whole structure of mysticism in its very foundations, namely its pantheism.

Before proceeding further I would like to propose a working hypothesis here that the religious reform movements are, by and large, influenced by the aspirations of the social classes they represent. The Sufis were much closer to the masses and, therefore, their doctrines and practices reflected their (masses) aspirations by assimilating many of the popular or folk traditions. Both the Sufi and Bhakti movements were, therefore, latitudinarian and assimilated from what the Ulama and the Brahmins considered as rival religions. The Ulama and the Brahmins, during that period, more often than not, formed the part of, and were patronised by the ruling classes. Their interest, therefore, lay in preserving the religious orthodoxy through which was reflected the identity and aspirations of the upper classes in those days. The practices and folklores assimilated by the Sufi and Bhakti saints were held in contempt by these ruling classes. The Muslim nobility tried to suppress the growing influence of the eminent Sufi saints among the masses.

Of course, the hypothesis should not be treated mechanically as social phenomenon are invariably extremely complex in character and need to be treated cautiously. Number of variables, religious, social, economic as well as political play their part in shaping these phenomenon. Many ‘ulama themselves including the Mujaddid himself came into conflict with the ruling authorities. Jahangir even went to the extent of arresting Shaikh

Sirhindi. However, the hypothesis suggested above has, nevertheless, validity if seen in the overall social perspective. Shaikh Sirhindi did come in conflict with the Emperor Jahangir but, by and large, he represented the interests of the ruling class as opposed to the Sufi saints who were closer to the masses. It was not easy even for the Emperor to arrest him as he enjoyed the support of the powerful nobles. "But it was not easy" says Faruqi, "to lay hands on him. The great nobles revered him and were devoted to him. So Jahangir sent them one by one to distant places....."

It is also interesting to note that the Mujaddid, despite his conflict with Jahangir, did not wish to disturb the social order. Thus, Faruqi tells us in his dissertation : "This imprisonment of the Shaikh greatly annoyed Mahabat Khan in Kabul and he expunged the name of Jahangir from the Khutbah or Friday sermon and the coin in Kabul, and invaded India with his chosen army. It is narrated that he virtually took Jahangir a prisoner at Jhelum. Mahabat might have gone further. But the Shaikh sent him instructions to obey the King and to cause no disturbance in the realm. Thereupon, Mahabat set Jahangir free."

It is, thus, evident that Shaikh Sirhindi did not want to disturb the status quo. Although Islam does not approve of the institution of kingship the Shaikh did not attack it in his reform movement. It would also be interesting to enlist here the demands the Shaikh made on Jahangir when the latter desired to meet him. The demands were as follows :

Firstly, that the Emperor would abolish Sajdah'-i-T'azimi or prostration; secondly, that all the mosques that had been erased should be erected; thirdly, that all orders prohibiting cow-slaughter should be cancelled; fourthly, that Qadis, Muftis and censors should be appointed to enforce the Islamic code; fifthly, that Jizyah or military tax should be re-introduced; sixthly, that all bid'at or innovation should be stopped and injunction of the Shari'at or Law be enforced and seventhly, that all prisoners who had been sent to prison in contravention of the above should be released.

Not a single demand out of the ones listed above touches upon the spirit of social justice and equality which form the part of the central vision of Islam. On the contrary, these demands

even injure the spirit of *sulh-kul* (Universal peace) preached by the Sufi Saints as lifting the ban on cow-slaughter and re-imposition of *jizyah* would have led to communal tension between the two major communities. While campaigning for restoring the 'purity' of Islam the Shaikh chose precisely those aspects of Islamic theology which tended to reinforce the interests of the ruling classes which were feudal in nature. The early Islam was informed of the spirit of revolutionary change, social justice and equality but the Shaikh completely ignored these aspects of Islamic ideology. His reform movement thus remained confined to the purely formal aspects of Islamic *Shari'at*. For evaluating any reform movement it is, thus, important to examine as to which aspects of the Islamic teachings are being emphasised. I do not doubt the reformist zeal of Mujaddid Alf-i-Thani nor do I doubt his intentions; I am only trying to evaluate the implications of his reform movement for different social classes.

Another important personality among the reformers of Indian Islam is that of Shah Waliullah Dehlavi. He was man of great vision and the one who understood the significance of socio-economic factors in rise and fall of empires. He tried to work out a creative synthesis between *wahdat al-wujud* of sufis and *wahdat as-shuhud* of Shaikh Sirhindi. Shah Waliullah came of age in a period of great crisis. The Mughal rule was fast declining and the Marathas were rebelling and consolidating their power. Shah Waliullah, whom some Muslims naively describe as a precursor of Marx for Indian Muslims, no doubt, had some deep insights into socio-economic forces which bring about political changes in the society. He tried to analyse the causes of decline of the Mughal empire and suggested certain remedies. He was convinced that the traders should be given greater freedom and burden of taxation should not be too high on them, the *Khalsa jagirs* (those feudal estates which were reserved for the kings and their families) should not be too extensive, the burden of exploitation on the peasantry should be reduced and so on and so forth. However, it would be wrong to describe Shah Waliullah as a revolutionary thinker who wanted to emphasise the concepts of social justice and equality in Islam. He never rejected the feudal system as such but only concerned himself with arresting its decline by proposing some marginal reforms.

His main concern was not the poor and downtrodden Muslim masses who, along with the toiling poor of other communities, were being ground down by the oppressive feudal system but to save the Islamic empire from the depredations of the Marathas and it was for this reason that he entered into correspondence with Ahmed Shah Abdali and invited him to invade India so as to rescue the central rule from the domination of the Marathas. Thus, it can be seen that he was seized with the idea of saving the Muslim ruling classes from the deepening crisis.

It would, therefore, be wrong to consider Shah Waliullah as a revolutionary thinker in the sense that he advocated revolutionary change in the social set-up of his day. On the contrary, he proposed reforms to save the society of his day from further decay and make it more acceptable to the people. Dr. Muhammad Ashraf rightly points out that the *magnum opus* of Shah Waliullah Hujjat Allah al-Balighah owes much to those political theories of Plato and Socrates which have been dealt with in detail by Nasiruddin Tausi, Farabi, al-Mawardi and al-Ghazali. Those who greatly admire his theory of ideal universe and social evolution perhaps do not know that Farabi in his *Madina-al-Fadilah* and Tusi and al-Mawardi in their respective books dealt with it. Even the historians like al-Masudi and Ibn Khalladun owe their debt to some extent to al-Farabi.

Again, Shah Waliullah was no less concerned with the formal and secondary aspects of Shari'ah. He has devoted a large part of his *magnum opus* to ritualistic aspects of Islam like prayer, Hajj, fasting, etc. and the various issues related thereto. Dr. Hasan Hanafi, an Egyptian scholar, draws our attention to the fact that our Islamic heritage can serve us right only when there is shift of emphasis from pure reason to nature, from spirit to matter, from God to the universe, from soul to the body and from unity of belief to the unity of practice." But it has been the greatest shortcoming of most of the reformists that they have laid too much emphasis on reviving the early casuistic theories and formulations thus giving preference to abstract over the concrete, to subjective factors over the objective ones. Such an approach hardly helps in bringing about real social change for the better. The only distinction which Shah Waliullah could claim over other reformists is that he was not totally unaware of the objective

social conditions and their role in man's life. Thus, he points out :

If a community continues to register material progress its industry and craftsmanship reaches peak of achievement. But if after this the ruling class begins to lead easy and luxurious life and indulges in ostentation, the burden of this on the artisan classes would increase so much that they would be forced to lead the life of animals. The social ethics are destroyed when they (i. e. artisans) are compelled to bear the economic burden. In such a situation they would be compelled to work like donkeys and oxen for their livelihood. When the mankind is subjected to such a calamity Allah does reveal a way of liberation (for the toilers). A revolutionary way is created by the power of God in order to lighten the burden of the community. When the Roman and Sassanid Emperors began to indulge in luxury and ostentation, Allah sent His Messenger Pharaoh's destruction and final ruination of the Emperors of Rome and Persia was one of the essential attributes of the prophethood."

This is about all as far as the socio-economic factors are concerned in Shah Waliullah's theology. He neither explores further causative linkages in the feudal system thus laying bare the mechanism of exploitation nor does he develop any revolutionary theology like early sixteenth century Christian theologian Thomas Munzer (1490-1525). Munzer, pained at the collusion of the Church with the powerful feudal interests, not only developed a revolutionary theology but also participated in the peasant war. He was described as the first theologian of revolution by Engels in his 'Peasant War in Germany'. Munzer's theology was far ahead of his time. According to him The Kingdom of God for which one has to prepare through war, is such a social system wherein there are neither slaves nor masters, where private property is non-existent and institutions like Church and State do not exist. The only supreme ruler is man's conscience.

Shah Waliullah, despite stressing the need for social justice could not go that far in his theology. He did not preach abolition of feudal system which, if one goes by the early Islamic theology, developed during the Prophet's own life time for which there was

no sanction in Islam. Like other Muslim reformers he too, on the whole, remained preoccupied with the juristic aspects of Islam and its niceties and subtleties. Most of the Ulama including those belonging to the Wahabi School, when they talked of the Islamic revival, they did not intend to revive the early revolutionary spirit of Islam of the Meccan period (during this period the Prophet uncompromisingly fought against the powerful rich merchants of Mecca) but merely stressed the revival or blending of the four schools of Islamic jurisprudence which were evolved much after the death of the Prophet when Islam was thoroughly feudalised.

After the political power passed into the hands of the Umayyads, monarchy and feudal exploitation became an integral part of Islamic society and gradually the Ulama, after an initial period of resistance reconciled to both so much so that anyone who seriously challenged the king and the feudal exploitation met with their wrath and were dubbed as mulhids (non-believers in God). The Khwerij (secedors) on the one hand, and, the Shi'a revolutionary sects like the Isma'ilis and the Qaramita on the other, were always strongly denounced by the orthodox 'Ulama' as the enemies of Islam and a campaign of vilification continued unabated against them. Even today these prejudices against them are found to be deep-rooted. Only some left-oriented Muslims well-versed in the Islamic history have begun to appreciate these sects and their revolutionary struggles. In fact, entire history of the Umayyad and the abbasid period needs to be thoroughly reexamined and re-evaluated.

Here, let me make it clear, I am not trying to belittle Shah Waliullah's personality and scholarship. He was undoubtedly a great thinker and synthesizer. I have only tried here to evaluate his socio-political role and its implications. Later on, his followers played a militant role in fighting against the British imperialism. The militancy of Shah Waliullah's followers is an interesting phenomenon for social-scientist. In the Islamic world right from Africa to Indonesia in the Far East, religious militancy played an important role in fighting against western imperialism. I propose a hypothesis here : In the moments of deeper economic and political crisis (political crisis precipitated by western imperialism was the result of economic crisis in the sense that it uprooted the Asiatic mode of production), the role played by the orthodox

clergy undergoes significant change in as much as it tends to play politically a progressive role provided, and it is important proviso, that the imperialist rulers be of a different religion. If the imperialist rulers happen to belong to the same religion i.e. Islam no such change in role takes place. The Ottoman imperialism is its best example.

## II

The era of Western imperialism in 19th century and later gave impetus to modern reforms. Here we shall be concerned only with India. Sir Syed Ahmed Khan came under the influence of western thought and began to re-interpret Islam in the light of modern developments. It must be admitted that Sir Syed's was the boldest attempt in projecting the teachings of Islam in the light of liberal and humanitarian values. His essays published in *Tahzib Al-Akhiaq*, his commentary on the Koran and several other writings indeed constitute a great attempt in the direction of developing a modern theology of Islam. No one after him—and it is very sad commentary indeed on the Muslim state of affairs in the sub-continent—has gone beyond what he had written on modernization of Islam. Even Dr. Iqbal's lectures on 'Reconstruction of Religious Thought in Islam' do not go as far Sir Syed went in his attempt. Let no one grudge this tribute to Sir Syed.

However, there is another side of the picture. Sir Syed's re-interpretation of Islam or his attempt to develop a modern theology of Islam had a limited role to play. It is well-known that while the Ulama of the Shah Waliullah school had vowed to overthrow the British rule in India, Sir Syed was interested in consolidating it. The Faraizi Movement in Bengal which was militantly anti-British, was too revivalist in nature. Thus, we see that while the revivalist movement drew the Muslim masses in struggle against the British imperialism, the modern reformist movements whose champions were liberal Muslims like Sir Syed Ahmed, Ameer Ali and others of their ilk, tended to support it. It was so because the modern reform movements essentially served the interests of western educated elite belonging to upper classes. The poor masses remained aloof from these reform movements. It was not in their interest to support exploitative

imperialist rule. The situation was thus pretty complex. Revivalism reinforced religious orthodoxy but challenged imperialist rule while reform movements under the influence of modern education encouraged liberal and humanitarian values but supported the British rule or at least discouraged militant struggle against it. One can hardly ignore these dimensions of the revivalist and reformist movements. In fact, this was the inevitable development of a backward society where due to very slow rate of industrial growth and retarded pace of social change the masses remain backward and comparatively small number of people reap all the benefits and constitute the social elite. Whereas this social elite wants to preserve status quo the poor and exploited masses want to overthrow it and for the backward masses religion rather than any secular ideology becomes the militant instrument of change. What happened recently in Iran is vindication of this.

Thus, we see that there have been two predominant reformist trends so far (1) The first trend was to purge Islam of all later accretions and restore its pristine purity. The emphasis in this was, of course, on rigorously enforcing Islamic Shari'at. The masses, of course, were steeped in local traditions and could hardly appreciate this puritan zeal. It was more so as the reformists of this variety never stressed the central Islamic vision of a just and egalitarian society. On the contrary, they tended to support the status quo. The masses were, thus, more attracted by the Sufi saints who not only respected local traditions making them integral part of Islam but also remained aloof from the ruling classes who exploited the masses. Their monasteries also provided a escape from the harsh realities of life.

Secondly, the trend for modern reforms is of recent origin. It was led by those who had reaped the benefits of modern education and for whom bread was no longer a problem. Their liberal re-interpretation of religion served their own class interests and had hardly any appeal for the masses. Without thorough economic transformation it is not possible to overcome social backwardness and for them a mutant religious orthodoxy of native variety would continue to have great appeal. Modernism for them is a symbol of western licentiousness leading to corruption of morals and hence unacceptable. Modernism and this is not mere

coincidence, has been preached by upper classes and the issues raised by the advocates of modernism do not directly concern the poor masses. Hence, their apathy or even downright hostility towards such movements in some cases. However, apathy turns into hostility only in cases where modernism degenerates into sheer licentiousness among the upper classes who, disregarding conventional morality indulge in unrestrained luxury in the face of mass misery of their fellow-countrymen.

It does not stand to reason from these critical observations that modernisation per se is to be condemned. Change has to be purposeful and in keeping with the requirement of the community. It is equally important to determine the priorities in keeping with the aspirations of the people at large and not merely a tiny minority constituting the upper classes. Indian Muslims are extremely poor and backward. Any reform or re-interpretation of Islam would have to keep this fact in mind. In other words social justice (adl) will have to be re-emphasised as constituting the central vision of Islam. The concept of private property as developed during the medieval ages will have to be re-defined in keeping with the earliest phase of Islam preferably the Meccan phase. Islam did throw the gauntlet to the powerful vested interests and fought against them. Umar in his later phase and Ali throughout his life fought intensely for bringing about just distribution of wealth in the society and laid down their lives at the altar of social justice. For them Islam did not mean prayer and fasting only; above all it was a serious project to establish social justice. Umar refused to allow private property in land and Ali so rigorously enforced equal distribution of bait at-mal (state treasury) that his own close comrades deserted him on this issue as they expected special favours."

It is very clear from the early history of Islam that revelation was not meant for sanctifying the existing conditions but for changing them for the better, for realising social justice and establishing equality. Thus, continuous improvement of social conditions with the available technology, just relations of production which would result in equitable distribution of social wealth and progress, become integral part of revelation. Meaningful change, purposeful scientific research, healthy progress and technology used for the general prosperity of the masses of people are all sanctified

by the prophetic revelation. Islam never emphasised individual salvation, it is a serious project for social change for the better and that is what the Prophet did and earned the wrath of powerful vested interests. If re-interpreted, Islam would certainly enthuse the poor and down-trodden Muslims. A new revolutionary theology must be developed on these lines if Islam is not to be confined to a set of rituals and hair-splitting and barren exercises on the lines of medieval Muslim jurists. Moral health and social justice, and not the personal law, was the goal of Islam. The message of Islam was not meant for the Arabian peninsula alone and, therefore, there is no reason why certain practices of that period and locale must be insisted upon as of universal validity? That is precisely why the holy Koran drew line between Deen and Shari'ah and did not accord to Shari'ah universal validity like that of Deen.

But, I would again like to emphasise, upper-class oriented modernism influenced by western value-judgements would not enthuse the Muslim masses. A new reformer will have to reject both the revivalism of orthodox 'Ulama as well as modernism subservient to the needs of upper-classes. He is essentially confronted with the task of developing a comprehensive modern revolutionary theology which would provide an ideology for progress, and change in the material conditions of the poor and down trodden Muslims in keeping with the modern conditions, nay, I would say in keeping with the changing conditions. This revolutionary theory will have to be dynamic and change-oriented, its only goal being realisation of rich spiritual life on sound material conditions. The static medieval-oriented Islamic theology has reduced spiritualism to sheer sterility thus robbing it of its all creative potentialities. The new revolutionary theology should be negation of the given, not the protector of the status-quo and the vested interests that go along with it.

This revolutionary theology, as pointed out by Garaudy, must realize two things: on the one hand, objective conditions are not inert metaphysical 'givens' but rather the work of men, human projects achieved historically and, consequently, historically modifiable. On the other hand, consciousness is not passive reflection, but an act, a project. As this particular project acts on these objective conditions, there is constant give and take, a necessary

unity and homogeneity between the ends pursued and the means used to attain them. This revolutionary theology would not reject but cooperate with any secular ideology which strives towards maximisation of social justice and human progress.

This task cannot be deferred any longer. I have thrown these ideas for the possible takers.

## **PROBLEMS OF INDIAN MUSLIMS AND THE ROLE OF MUSLIM LEADERS**

There are more than sixty million Muslims in India. In fact, the number of Muslims in our country is more than what it is in many large Muslim countries. In the democratic set-up of our country the Muslims can have and do have to some extent decisive say in shaping the political culture. It was not insignificant that the founding fathers of our constitution opted for secular polity while at the same time allowing various religious communities to freely preach and practice their religions. The Indian Muslims, despite some historical reasons and religious prejudices have, by and large, enjoyed equal rights with other citizens of India.

However, the Muslims in India, are beset with many problems: some of these problems are of a general nature which they share with other citizens of India whereas some problems are of particular concern to the Muslims. In the first category we can include problems like poverty, education, share in economic development and jobs in government as well as public and private sectors. In the second category can be included problems like religio-cultural identity, the imagined or real fear of interference with the religious laws, character of the Aligarh Muslim University, unfair treatment of the Urdu language by the Government etc.

As far as the first category is concerned, the Muslims, like Harijans, are relatively more backward than others and hence it is necessary to emphasise gravity of the economic situation the

Indian Muslims find themselves in. Muslims, on account of educational backwardness and partly because of discrimination against them, do not get a proportionate share in various job opportunities which have been thrown open due to economic development taking place in India. The Muslim leadership has totally failed in sorting out these basic problems confronting Indian Muslims. This failure on the part of the Muslim leadership too has its own history. Even in the pre-partition days the Muslim leadership hardly bothered about the more mundane problems of day to day existence facing the Muslims. The whole charter of fourteen demands drawn up by the Muslim League does not include a single demand pertaining to the poor Muslim peasants or toiling Muslim workers and artisans. The Muslim League was the party representing feudal and upper class interests. It always fought for the number of seats to be reserved for Muslims in the central and provincial legislatures and for reservation of jobs in the top echelons of the administration. These demands mainly served the interests of the upper class Muslims and hardly reflected the aspirations of the Muslim masses.

When Dr. Mohammad Iqbal, a well-known Urdu poet drew, Mr. Jinnah's attention to the problem of grinding poverty among the Muslim masses, he was simply ignored by Mr. Jinnah. Mr. Jinnah was too shrewd to strike at the feudal interests whose support was so vital for him in his campaign for a separate homeland for the Muslims of the Indian sub-continent. Mr. Jinnah never drew up any economic programme and in the crucial hour tried to enlist the support of all the Muslims. The other Muslim organisations like Jamiat-ul-Ulema, Ahrar party etc. although knew the plight of the poor Muslims, were too religious in their orientation to draw up any meaningful economic programmes in the modern context. The Praja Krishak Party of Fazle Haq in Bengal was regional in character and the Unionist Party of Sikandar Hayat Khan in Bengal was as feudal in character as the Muslim league itself. The overwhelming majority of the Muslims then, as now, was extremely poor. Most of them were either poor and landless peasants, petty artisans or hangers on the Muslim nobility. This phenomenon requires a detailed analysis which we cannot attempt here. It may suffice to say here that the fight waged by the Muslim elites against their counterparts among the

Hindus to protect their own rights and privileges distorted the whole issue and directed the struggle of the Muslim masses through communal channels. The same pattern more or less continues till today i.e. after more than thirty years of our independent existence.

The present Muslim leadership in India is equally callous towards the down to earth problems being faced by the Muslims. Here I am referring to all the Muslim leaders, and not only to those connected with exclusively Muslim parties like the Muslim League, the Jamat-e-Islami etc. Most of these leaders flocked to the Congress when it was the ruling party at the Centre as well as in many of the States, in order to serve their personal interests. In the late sixties and early seventies Indira Gandhi's anti—Jan Sangh and anti—RSS tirades helped these leaders in capturing Muslim votes and getting themselves elected. But none of these Muslim leaders in the Congress Ministry resigned even after such horrors as the massacre of Muslims in Ahmedabad in 1969 or Biwandi in 1970; it was enough, in their view, for them to issue statements or collect relief funds. Those Muslim leaders who have joined hands with the Janata Party are not a wee-bit different. The massacre of Muslims in Varanasi, Aligarh and Jamshedpur has hardly stirred them. It appears that communal riots suits their political designs too in the sense that it gives them greater political leverage vis-a-vis the ruling party.

The non-Congress Muslim leaders have been no less opportunists. The Muslim League had no hesitation in joining hands with the Congress in Kerala or supporting emergency (Sulaiman Sait spoke in Parliament in support of emergency) although they kept on criticising the Congress for not solving the Muslims' problem. In Bombay the Muslim League even joined hands with the Shiv Sena in the Bombay Municipal Corporation—this, after exploiting the emotionally charged issue of Vande Mataram in 1973—just to get a few seats on the Standing Committee. The Jamat-e-Islami, of course, has always remained on the periphery as, according to it, it is opposed to the very idea of participating in secular politics. But it had no qualms in extending its support to the RSS immediately after revocation of emergency, though, it must be admitted, it has not shown any interest in holding political office directly. The leaders of the Majlis-e-Mushawarat,

another Muslim organisation are, mostly those who did not get any political office under the Congress government. The Mushawat leaders have done little beyond holding a few conventions here and there to focus on the Muslim problems. The Jamiatul-Ulema-e-Hind which took active part in the freedom struggle became, in the post-independence period, a part of the Congress establishment.

The Muslim leadership, thus, it will be seen, has mainly exploited highly emotional issues to retain their leadership. These issues pertaining to the second category referred to above, are Muslim Personal Law, character of Aligarh Muslim University, denial of opportunities for growth and promotion of Urdu language and similar other issues. As for the Muslim Personal Law, they have been shouting themselves hoarse that they would not tolerate any change in it although the government has not so far declared any intention to disturb the status-quo. Number of conventions are held frequently by various Muslim parties and groups to pass resolutions opposing any change in the Muslim Personal Law. In October, 1977, within the period of two weeks, two such conventions were held one at Delhi and another one at Ranchi for this purpose. The Delhi convention was ostensibly convened to discuss various problems confronting Indian Muslims. But-surprising though it may seem-six out of the seven resolutions passed pertained in one way or the other to Muslim Personal Law. This callous neglect of the basic problem of the Muslims provoked one Mr. Anwar Ali to comment in a letter to Indian Express as follows: "It may be pointed out that the Muslims of India are not a homogeneous community. It is a mass of heterogeneous groups of persons who have different economic, social, political and educational interests. The social milieu of Indian Muslims is caste based, though apparently well-knit and with a common faith running as a unifying thread. The bulk of Indian Muslims are the so-called low castes. About 80% are Momin Ansars, Mansurs, Roghangars, Qureshis and Lohars, etc. working as artisans and craftsmen, contributing to the national wealth. How many resolutions did they pass for the social, educational and economic uplift of these depressed classes? What avenues, means and methods did they devise to bring succor to the needy handloom weavers and artisans of Bengal, Bihar,

Maharashtra, Andhra Pradesh and eastern Uttar Pradesh who are on the verge of starvation."

Mr. Anwar Ali also rightly pointed out, "the participants believed that only those who could think had a right to lead, and the only thinking class of the Muslim society consisted of persons with a feudal background and laying claim to medieval scholasticism. They were the 'Ashraf tabka,' (the privileged patriarchs). In contradistinction with the 'Razil tabka' (the plebians) the absence of the representatives of All India Momin Conference (an organisation of Muslim weavers and artisans) from the convention was clear proof that it was not, in any way, a representative assembly." The Muslim political leaders are totally feudal in their outlook. The Muslim leaders belonging to these parties and groups are so much preoccupied with issues like Muslim Personal Law, religious identity of Muslims etc. that they just can't think of formidable economic problems facing the Muslims. Also, these leaders find it very easy to climb up the leadership hierarchy by over emphasizing highly emotional issues. Most of them are demagogues rather than sincere leaders with a vision of the future. They are totally misfit to lead and too opportunistic to work sincerely for the Muslims. It would be interesting here to take note of trenchant comments of a young Muslim journalist on the milli convention held in Delhi in October, 1977. Mr. Sultan Shahin observes in an article, "The collective wisdom of the Muslim leadership resulted in the passage of seven resolutions. As many as six of them, incredible though it may sound, were related in one way or the other to the Muslim Personal Law. This is, particularly surprising in view of the fact that at the moment there is no move either by the government or by any section of the people to force any change in the Muslim Personal Law. Their concern with the Personal Law which has rightly or wrongly become a symbol of their religious identity is quite understandable but their obsession with it to the exclusion of all other problems is inexplicable. Obviously, the leadership is hopelessly out of touch with the real challenges facing the Muslims. This hopelessly backward looking leadership not only refuses to do anything for eradicating various social evils prevalent among the Muslims, it vehemently opposes anyone who does so'. Commenting on this Mr. Shahin says : 'What are the Muslim leaders doing to eradicate these evils ? Nothing. Then what right

have they to ask the government not to interfere into what are called internal matters of the community? Why this ballyhoo on the reported appointment of the Tarkunde (Nathwani) Commission to look into the affairs of the Dawoodi Bohra Community? There are strong reasons to believe, at least suspect, that all is not well with the Bohras. Some members of the Bohra community or for that matter the Muslims constitute a nation within the Indian nation whose 'internal matters' do not smack off a belief in the same old, disc edited two nation theory." The Nathwani Commission Report has now been released and all the allegations of inhuman atrocities against the Bohra high priest made by the reformist Bohras and their supporters have been upheld by the distinguished members of the Commission. But the Muslim leaders who, directly or indirectly, benefit from the immense wealth of the high priest remain unmoved. They are still trying to take refuge behind the convenient mask of "Interference in the minority religion." Al-Jamiat, an Urdu daily from Delhi belonging to the Jamiatul Ulema, published highly antagonistic account of the Nathwani Commission Report and even went to the extent of distorting statements. This was despite the fact that I had explained the reformist cause in detail to the spokesman of this paper.

Whosoever advocates necessary reforms in the Personal Law and its abuses by some Muslims is condemned by these Muslim leaders and he is almost socially and politically ostracized. Similarly, another issue which is very commonly exploited by these leaders is that of Aligarh Muslim University. No one would dispute the fact that the constitution has guaranteed certain rights for the minorities and it also includes the right to establish and administer their own educational institutions. In accordance with this right, the Indian Muslims can establish any educational institution including a university to promote and foster the growth of Muslim culture and similar other disciplines. Also there is nothing wrong in declaring Aligarh Muslim University as a minority institution and it would also not be unfair to restore full autonomy to this institution which was sought to be taken away by certain amendments in the Aligarh Muslim University Act effected in 1965 and 1977. What is regrettable is that these leaders, who are so vocal in demanding autonomy for the Aligarh Muslim University, have failed to spell out in clear terms

what they meant by the minority character. Either they themselves do not have any idea about it or they are deliberately vague.

Mr. V.V. John, member of the minority commission told me that the Muslim leaders could not clearly formulate as to what they meant by the minority character when requested to do so by the minority commission. Even the academics, according to him, could not oblige. According to Mr. John one answer was provided by a student who told him that Muslim students have not been able to get into the professional courses in adequate numbers on account of their comparative low grades in the qualifying examinations. Mr. John thinks : "if this is all that the minority character is sought to correct a clear policy of preferential treatment for a community inadequately represented in the profession could be adopted through simpler expedients than legislation and constitutional amendments." For the Muslim leaders, however, minority character means nothing more than a game for more political power and greater representation on the university court. With their feudal outlook none of them is capable of transforming Aligarh Muslim University into a dynamic centre for scientific studies and higher learning. As such without their domination Aligarh Muslim University has had a proud record of achievement in various fields of scientific studies. Left under the stewardship of these leaders the university, more probably than not, would degenerate into a stagnant institution. Mr. V.V. John rightly concludes in his article : 'The Aligarh Controversy' "there may be forces among us that have an interest in keeping alive feeling of resentment, suspicion and fear over issues on which it should be hard for men of good will to come to sensible decisions. Disputes over Aligarh Muslim University have gone on over an unconscionable time, and they have impeded efforts to promote national harmony for the cause of higher learning. Whom does it suit that these impediments should persist ?"

According to me the answer is not difficult to find. It is the vested interests of the Muslim leaders which keeps such controversies alive. There can be hardly any explanation. How else can one explain the fact that although hardly ten percent of the Muslim students, admitted to the University in July, 1978, came from outside Uttar Pradesh, or even from outside Aligarh, it has

been converted into an All India problem. Those who are well wishers of the Aligarh Muslim University would like to see it as an institution of modern higher education particularly for the Muslims of India far from the shadow of these intriguing and crafty politicians.

It does not need to be emphasized here that the backward looking Muslim leadership has singularly failed in promoting education among the Muslims. Muslims as such are, by and large, as economically backward as the scheduled castes, if not the scheduled tribes and consequently they are backward in the field of education too. But the Muslim leaders, in sharp contrast to the Christian missions, have hardly done anything to promote education among the Muslims. If anything, they have impeded the efforts of some other devoted Muslim organisations in this direction. The notorious case of the Muslim League in Kerala is an illustrative example of this. When a few Muslim professionals and intellectuals from the south formed the Muslim Education Society (MES) and spread a net-work of educational institutions, the Muslim League leaders grew jealous of it and tried to use its political power which it enjoyed in Kerala to crush it. However, it did not succeed despite its campaign of vilification against some members of the MES under a pious cover of religion.

One may argue with some justification of course that, unlike Christian missions, the Muslim leadership does not have much in funds to promote the cause of education. But this is only partially true. The Awkaf funds, although not as abundant as those of Christian missions, are by no means quite insignificant either. Muslims have Wakf properties which bring in several crores of rupees by way of income every year. According to a rough estimate accumulated funds run into 1500 million rupees. Had there been dynamic Muslim leadership this not very meagre amount could have been gainfully employed for the benefit of the community. Today all this amount is spent either in running Mudrasa (where elementary or, in some cases, advanced education is imparted) or is pocketed by corrupt Mutawallis (those in charge of Wakf properties) in collusion with the members of the Wakf boards. Sincere leaders with modern outlook could have worked out a creative synthesis of religious education with

modern education thus creating opportunities for gainful employment for the Muslims, Professor M.A. Khusro, the present Vice-chancellor of the Aligarh Muslim University, had once suggested that the Wakf funds can be better utilised if, along with mudrasa education, a chain of polytechnics are run in order to impart technical education to the pupils. According to the scheme worked out by him, and published in one of the issues of 'Secular Democracy,' in times to come, these polytechnics along with attached workshops can become self-sufficient and can generate their own funds. However, the Mutawallis and Mullas could not allow this to happen as they have acquired powerful vested interest in the present set-up.

Similarly, the Muslim leadership, has callously neglected real economic problems being faced by the overwhelming majority of the Muslims. In case of Muslims the urban population is slightly higher than that of other communities. Whereas the national percentage of rural population is 80, for the Muslims it is 73, and 27 percent Muslims live in urban areas as against the national percentage of 20. While those in rural areas are predominantly poor and landless peasants, those in urban areas are mostly petty artisans. (The Muslim jagirdars either migrated to Pakistan or were deprived of their land holdings as a result of Land Ceiling Act in independent India). It can be safely said that as against the national average of forty, sixty to seventy percent Muslims live below poverty line. In urban areas they are mostly artisans, petty traders, hawkers, mechanics, coolies, rickshaw pullers, taxi drivers, tongawallas, fishermen, beedi workers, butchers, masons, weavers, dyers, iron smiths, carders, etc.

The Muslim artisans are among the best Indian artisans. The carpet weavers of Kashmir and Bhadoi, the handloom workers of Maunath Bhanjun, Malegaon and Bhiwandi, the sari weavers and Zardos of Banaras, the bangle workers and glass workers of Ferozabad and Shikohabad, the leather workers of Kanpur and Agra, the Chikan workers of Lucknow, the brassware makers of Moradabad, the locksmiths of Aligarh—these have been keeping alive and enriching the best traditions of Indian artisans. These artisans mostly work on starvation wages and exploited by either financiers or middle men. The Muslim leaders have hardly ever bothered to organise these starving artisans into co-operatives.

The fast expanding modern industrial sector has driven many petty artisans out of business. These artisans are swelling the ranks of unemployed in the urban areas.

Even the Janata Party President, Mr. Chandrashekar, is well aware of this fact. In a recent interview to a Calcutta magazine he rightly pointed out : "It should be recalled in this connection that in certain sectors the minorities were the dominant factor in our economic life. Most of the artisans in our rural and urban areas were from the minority community. Where the jari work of Varanasi, brassware of Moradabad or muslin in Dacca—these cottage or village industries were predominantly handled by the minority community. During the British rule these industries were destroyed—the Britishers not only made us politically dependent, they also destroyed our infrastructure of development. After independence we did very little to revive these industries. The result was that most of the minority community people who were engaged in these occupations gradually went out of employment. Even as late as in 1947 many of these industries were in operation, but because of our mad race for modernisation these industries were not given proper attention. It is now essential that these industries should be given proper attention not only to provide jobs to these people, not only to give them a respectable position in society where they can add to the wealth of the nation as well as earn their livelihood but also to make the Indian economy more viable."

The Muslim leaders, however, have never bothered about such mundane matters. They have always been pre-occupied with highly emotional issues like Muslim Personal Law, Aligarh Muslim University etc. in order to feather their own nests. If they had really good of the poor Muslims in their heart they would have exerted themselves to organise these large number of petty artisans into co-operatives and could have put pressure on governments both in States as well as at the Centre to get special credit facilities for these co-operatives. Also, in stead of forming the Muslim Personal Law Board, had these leaders and Ulema been really sincere, they would have been better advised to form a kind of All India Zakat Board or some similar financial organisation to pool all such charitable resources in order to finance

these co-operatives or small scale industries either on low interest or no interest at all. But, as we know, these leaders are not sincere in their protestations at all.

Some traditional leaders and groups are currently vying with each other for getting monetary help from the oil rich West Asian countries for building mosques or running traditional types of centres of Islamic learning. None of them has made any serious effort to persuade these Arab countries to finance modern educational institutions or to set-up some kind of organisations to help finance co-operative projects among Muslims. This speaks about the character of Muslim leaders in India.

No one would deny the fact that the minorities, in general, and Muslims, in particular are under-represented in various services. The Muslim leadership occasionally raises this issue but only as a political ritual rather than as a serious problem to be tackled sincerely. They are more concerned with a small section of Muslim elites in urban areas as this section happens to be most vocal too. By referring to the under-representation of Muslims in various services, the leadership seeks to assuage the feeling of this section. It is not bothered about the fate of poor and unemployed at the lower rungs of Muslim society. It would be interesting here to mention a representation received from the Hasnain Community of Kerala which is the poorest among the Muslims in that State. Numbering about three lakhs, the representatives of this community submitted to the Minority Commission that they should not be bracketed with other forty lakh Muslims of Kerala as being the most backward as they have not benefited from any scheme meant for safeguarding the interests of Muslims.

Thus, it would be wrong to treat Indian Muslims as a monolithic group even for the purposes of reservation of jobs or other similar schemes. The Muslims themselves are divided among various groups, classes and even castes and some of them are more backward than others. It is unfortunate but true that after partition, Indian Muslims have not produced a single leader with future vision who could give new direction and infuse dynamism into them. Let us hope the new generation of

Muslims will throw up such leadership capable of solving more down to earth problems facing the Indian Muslims and solving the complex problem of integrating Muslim masses with the national mainstream while at the same time giving them a sense of distinct identity which is dynamic and future oriented.

## RENAISSANCE & INDIAN MUSLIMS

Muslims in India are an important segment of Indian people and their socio-economic as well as cultural problems are closely linked, alongwith other segments, with the general development of Indian society. However, this is not to deny that the Indian Muslims have certain problems deeply rooted in their consciousness as a separate religio-cultural group with its own traditions shaped over many centuries. This is also not to deny that a small section (this section in India, unlike in Pakistan, can not become very assertive, let alone militant, for reasons not be dealt with here) of Muslims is motivated by the millenial urge which is nostalgic rather than futuristic in its genesis.

But—and this must be duly emphasised—the Muslims are an organic part of the living entity that is India and hence cannot remain immune to the changes taking place in the living entity. So, before we venture our opinion about the renaissance and the Indian Muslims, we will have to say something about the renaissance in India as a whole. Has there been renaissance in India after the introduction of modern European thought alongwith the British rule in our country? I do not want to dwell on this question at length in this article as it is not our subject matter here. A few words would suffice.

First, the essence of renaissance in humanism and the essence of humanism is freedom of conscience, freedom to choose and act according to one's choice, without any compulsion to obey and

alien authority including God; in short, humanism recognises man's right to self-determination. It considers man as an end in himself. If this criterion is applied, I am afraid, the answer to our question "whether renaissance has taken place in India?" may not be very encouraging. An overwhelming majority of our country is bound by highly inflexible traditions, obsessed with rituals as laid down in the sacred scriptures (of whatever denomination) and refuses to accept modern values both instrumental as well as fundamental. Casteism, as the recent riots in Marathwada and other places decisively prove, continues to be a grim reality and it is very negation of humanism.

What is most painful is the fact that even the University students are deeply imbued with these ideas. A survey of students moral, religious and social propensities conducted in the Bombay University colleges in 1975 by Prof. M.B. Ghorpade of R.D. National College showed that only one per cent students described themselves as atheists. Thus, we see that humanism in the sense defined above has not struck roots among the educated youth. They still accept the scriptural authority denying themselves the right to choose according to their own conscience. If this is the case with the University of Bombay, the foremost institution of learning in a highly developed urban complex, one can imagine the plight of students from other areas.

Our modernisation is still confined to a very narrow circle of elites. The masses are yet untouched by it. The new morality has not enamoured the common people. James Joll writing about Gramsci says in Crocean language :

"When we succeed in introducing a new morality in conformity with a new conception of the world, we end up by introducing that conception of the world too, so that an entire reform of philosophy is brought about. However, we are far from introducing a new conception of the world. Anything new has to be in a new space-time frame, in a mundane history, not merely in the form of an idea. To use Bakunin's words we have to create "not only the ideas but also the facts of the future."

The facts of the future are founded in the concrete history of today. the social praxis for tomorrow. No analysis ignoring the

concrete historical base of the society can lead to proper conclusions. Marx has pointed out that the real movement of society is a movement in its base and not merely on its base. And, the movement in the base of our society, as far as the masses of people are concerned, has not been such as to transform its fundamental character and hence the continuing grip of past on our present.

In case of Muslims the shadow between the past and the present is darker. There are various reasons for this. We shall discuss them briefly so as to understand the malaise of their social world better. The Indian Muslims, comparatively speaking, are less educated and more backward than other segments of the Indian society. This fact has been established through some empirical studies in Delhi, Dehradun etc. Also, being economically backward and educationally far behind, the Indian Muslims have failed to produce an intellectual elite—a creative minority as Prof. Toynbee puts it—which is so necessary in a semi-feudal semi-capitalist society like India to carry through the task of modernisation. This elite imbibes modern values and vigourously launches crusade for modern reforms. A few intellectuals among Muslims who are equipped for the task are heavily weighed down by the overwhelming backwardness of the Muslim masses who are yet to become co-sharers in the process of industrialisation, or the fast expanding industrial technocracy or government bureaucracy in India. In such a state of backwardness, the Muslim masses do not feel the pressure for change or need for reforms. For a reform movement to be successful its social desideratum is a must.

When Kamal Pasha imposed social reforms in Turkey, it had become a social desideratum as the Turkish society was poised for a social transformation. The Turkey was close to Europe and shared many traditions with it and by the 2nd decade of our century had produced a class which was equipped with the future vision of a modern Turkey. Moreover, in the first world war the imperial structure of the Ottomans was in shambles and a new democratic Turkey was emerging. With these profound changes in the social base, the old superstructure could not have continued. Thus, it was a movement in the base of the society, not on its base, to use Marx's words again.

This becomes more clear when we take the case of Afghanistan. King Amanullah was a man of modern vision. He tried to introduce modern reforms in the late twenties in Afghanistan abolishing purdah, encouraging women's education and social emancipation. Amanullah, as a result, had to face rebellion of mullahs and tribal chiefs and had to abandon his modernisation programme. Why? The Afghan society had not emerged from medieval age. There was no industrialisation, capitalist relations of production were not even in the process of hatching. There was no political democracy. It was only an idea of-if I can say so-a benevolent monarch and lacked the necessary social base to become fact of future.

This case of Iran has another lesson for those who view modernisation as an abstract process to be forced on whatever social structure, prevails. The Shah's modernisation programme, or the white revolution, as he chose to call it, benefitted the upper classes and produced a class of *neo-rich* who exhibited their modernisation in casinos, posh restaurants, cabaret dances and flambuoyant western movies. The affluence of these classes upset the traditional pattern of economy adversely affecting small peasants, petty traders, artisans and poor workers. Conspicuous consumption and glittering restaurants or movie theatres became the symbols of modernisation which brought misery to the poor people and the popular wrath turned against the symbols. The Ullama, the Marxists and radical intellectuals jointly led the movement against the senseless modernisation. They denounced the direction which it took (elite-oriented) rather than its desirability *per-se*.

Coming back to the Indian Muslims I would like to emphasise that their vast multitude is still slogging in ignorance and poverty. They have not been drawn into the process of economic and social transformation to the degree they ought to have been and hence, the modern reforms are not felt as the social desideratum by them. Moreover, they being a religious minority also create psychological pressure against change. Psychologically, minorities dread centrifugal tendencies as a sure sign of disintegration and loss of *identity*. Max Weber, the doyen of Western sociologists maintained that economic attitudes may be governed by their systems of belief, just as at a given moment systems of

belief may be governed by the economic system. Max Weber's above postulate is more true for revealed religions like Christianity or Islam (Weber had the Christian society of Europe in mind while propounding his hypothesis) than the non-doctrinaire religions like Hinduism.

In case of Muslims, one can therefore, justifiably say, that their system of beliefs is also a factor to be reckoned with while understanding their resistance to modern change, although—I wish to say this with all the emphasis at my command—not the most important factor as some advocates of modernisation maintain. The other part of the Weberian hypothesis that at a given moment systems of belief may be governed by the economic system is equally operative in case of the revealed religions like Islam. The dialectic of modernisation among Muslims is no different. The resistance to accepting modern reforms, as far as Indian Muslims are concerned, is, at least partly, due to their belief systems. But their belief system will not change without change in the economic system and this is not happening fast enough in India.

## REFORM AND SOCIAL CHANGE AMONG THE BOHRAS

Change is always painful, specially if what involved is faith, intellectual beliefs and traditions. One more aggravating factor is added, if I may say so, if the group or the community undergoing, or required to undergo—and the Bohras fall under the later category—happens to be closely-knit and dominated by a religious hierarchy with the pretensions of being the sole-interpreter of the tradition and faith. There is one more factor to be considered : change need not necessarily involve a forward for progressive thrust; it may be retrogressive or confined within the sphere of orthodoxy. Modernisation, on the other hand, is progressive adjustment to or creative assimilation of the changes brought about by the on-going social and economic forces in the society as a result of changes in the techniques of production, both material as well as spiritual, the later involving the changes in the intellectual beliefs.

The Bohra Ulama who challenged the succession of Abdul Qadir Najmuddin, the 47th Dai (religious head) to the high office in 1840, acted though unwittingly, to introduce ripples of change within the set-compass of doctrinal orthodoxy.<sup>1</sup> The challenge, though sought to be quitted by liberal distribution of titles and similar other inducements, created tensions leading to change.<sup>2</sup> However, the process of modernisation was set into action only later by the precursors of education movement within the Community at Burhanpur. The then high priest countered the challenge by

ex-communicating the agents of modernisation, ostensibly to preserve the sanctity of tradition. More about it later.

### Description of the Community

The Dawoodi Bohras are a Shi'a Isma'ili sect numbering over a million today. The breeding ground for this dissident sect was non-Arab territories of what was once Babylonia,<sup>3</sup> Assyria and a few areas of Persia, besides Yemen in the South of the Arabian Peninsula—the homeland of the Islamic orthodoxy. Except few Arabs of the Yemenite stock, the Bohras are of Indian origin conversion in India having taken place in twelfth and thirteenth centuries<sup>4</sup> Those converted mainly pursued commerce and trade (Gujarati vyahwar and hence a derivative vohra which is pronounced as Bohra in Hindi meaning one who pursues the avocation of commerce) and still it continues to be their chief avocation. Originally of the Indian stock, they are also found in the countries of East Africa (mainly Madagascar, Kenya, Tanzania, etc.), Middle East Ceylon, Bangkok, Singapore, Pakistan, U.K., The U.S.A and Canada.

Except those of Yemenite stock whose number does not exceed a few thousand, all other Bohras speak chiefly Gujarati; like the Yiddish of the European Jewry, the Bohras have also evolved highly Arabicised Gujarati used for religious discourses (although their liturgy is mainly in Arabic). Also, being a community of petty-traders, it is highly tradition bound and conservative and have tradition inspired weltanschauung. Though highly Islamised, as compared to the other Isma'ili sects like 'the Khojas, the Bohras have retained much from the native Indian culture. Some elements of Hindu philosophy and mythology have also found some place in their religious lore. One of the Saint-poets of the Bohras Syedi Sadiq Ali Saheb<sup>5</sup> has even expounded through his didactic poetry a revised version of the theory of transmigration of soul. Their customs have imbibed much from the native soil.<sup>6</sup> The religious heads over the centuries, not only protected their sense of identity, but also imparted to their followers an intense religious feeling.

Since the Bohras were a persecuted lot—they were, more often than not, intensely persecuted by the Sunni rulers of Gujarat who saw in them a heretic *rafzi* sect—they found their security in

clinging to the centre. Thus, they developed a strong centripetal tendency and a psychological aversion to any centrifugal one. In the circumstances, it was quite natural for the community to evolve such a closely-knit structure as it exists today. Over the centuries of persecution, high priests not only remained a focal point of religious authority, but also, as father figures, provided a sense of security to the community.

However, with the advent of British power things began to change. The community heaved a sigh of relief from the sense of external persecution. Apart from the religious persecution the community had also of late greatly suffered at the hands of the petty rulers and feudal lords who arbitrarily exacted large sums of money from the traders. Under the British, initially at least, the trading communities not only benefited from the expanding overseas commerce but also experienced relative freedom to carry on their trade under the 'rule of law'. Under the pretty long period of chaos and anarchy as a result of unending feuds between the petty rulers, the British rule provided a sense of relief for the trading communities along the west coast.

The Bohras too now enjoyed greater prosperity and religious freedom. The sense of external danger receded giving rise to greater sense of confidence among the individual members of the community. Thus, the individual felt stronger vis-a-vis the community. This led to generating centrifugal tendencies. Cohn has observed in the case of Thakurs:<sup>7</sup>

With the coming of the British.....the basis of the solidarity of the group was cut away; they no longer had to co-operate from fear of outside subjugation.....?

This, as noted by Theodore Wright Jr. also applies equally well to the Dawoodi Bohras. At the turn of the twentieth century some prominent Bohras of Burhanpur sought to establish a modern educational institution though it involved the risk of earning the displeasure of the Chief Pontiff. The Pontiff was not in favour of permitting modern education as he feared—perhaps rightly so—such a course would lead to dilution of his authority as well as religious orthodoxy. But, inspired by the modern western thought, these individuals strove very hard to establish the educational institution of their dream. Thus, the process of

modernization led to tension within the community. The process of modernization and change, it must be noted, leads to weakening of traditional authority and emergence of new power centres. This, in other words, leads to struggle for power which is usually waged in ideological terms namely need to preserve tradition sanctioned by religion vis-a-vis to usher in a modern scientific outlook.

When the 51st Pontiff succeeded to the high office, he sought to assert his authority by crushing the modernist opposition. He aggressively used the weapon of ex-communication to discipline his opponents. However, greater prosperity and economic resources induced sense of individual autonomy and human dignity and spread of western education further strengthened these tendencies. The individual, in the western value-system, is the core and measure of all values. Thus, many individuals came forward from among the Bohras to contest the authority of the high priest. Law suits were filed in the British courts<sup>8</sup> to compel the pontiff to honour the 'rule of law'. This meant eroding his traditional authority. Thus, the process of change led to great tensions within the community.

The Pontiff was very shrewd. To counter the elitist challenge, he vigorously strengthened his authority among the backward and illiterate Bohra masses who were mainly petty traders as pointed out earlier. He pretended to possess powers not claimed earlier by other *Dais* by reinterpreting the Koranic verses. He made ingenious use of *t'awil* (esoteric meaning of Koran which forms an integral part of the Shi'a Isma'ili faith, like other Muslims) to claim powers for himself what are ascribed to the prophet, his executor (*wasi*) 'Ali and the Imams from the progeny of 'Ali'. Such claims passed muster among the Bohras as traditionally they have been having great respect for the authority.

This strategy coupled with his determined bid to crush opposition by the use of the weapon of ex-communication paid him rich dividends. Soon the ranks of opposition began to deplete and many individuals among whom were prominent businessmen as well as legal luminaries and other eminent professionals apologised to the high priest and withdrew from the movement for reforms. What had begun as a great challenge to the high priest ended in a meek opposition by a few isolated families. The modernised elite—this needs to be emphasised here—championing the cause of

individual dignity, liberal thinking and democratic functioning failed to carry the Bohra masses with it. Used to authoritarianism for the backward masses of the Bohra community responded far more vigorously to reinjection of orthodoxy and greater degree of authoritarianism. Modernization, with all its attendant thought structure, it seems, was not the felt need or the desideratum of the community at that stage<sup>9</sup> It was for this reason that despite the final victory in the court case, the Adumjee family remained isolated in the community.<sup>10</sup>

The Chife Pontiff making clever use of the doctrine of esoteric teachings not only successfully claimed extra-ordinary powers for himself, he also began ruthless exaction of taxes (both sanctioned traditionally as well as some levies introduced by him) and amassing wealth. Rejecting the doctrine of accountability he claimed as the sole trustee and the only master with whom all the powers have been vested.<sup>11</sup> Also, he made clever use of his newly acquired power of the purse to buy political influence. He made strategic donations in the thirties to win over some Muslim politicians in his fight against the reformist challenge. The reform leaders could have hardly matched the resources of the high priest as they had to fall back on their own limited personal resources. The strategy is still being followed with degree of success by the Pontiff and his family.

### **Post Partition Phase**

The Pontiff had stood by the Muslim League on the eve of partition and paid a little price for it immediately after it. The Congress Ministry headed by the late B.G. Kher in the then Bombay State passed a bill preventing ex-communication. The Act (Prevention of Ex-Communication Act) was challenged by the Pontiff in the Bombay High Court unsuccessfully but later successfully in the Supreme Court which struck it down on a technical ground by majority judgement. Chief Justice Sinha, however, wrote a dissenting judgement upholding the Act.<sup>12</sup> However, the high priest lost his privilege to use the power of ex-communication arbitrarily as a rigorous procedure for the same was prescribed by the court in the interest of natural justice and also the scope of ex-communication was confined to religious dissent only.

However, the high priest lost no time in building up his bridges with the new national leadership. Donations and superior

organizational skill—demonstrating his command over the Bohra votes—once again stood him in good stead. The students of modernization have to reckon with the fact that the political democracy in a backward situation can be highly successfully manoeuvred by the well-organised and powerful vested interest for their own ends. The Bohra priesthood had the shrewdness to exploit this situation to its maximum advantage. The Pontiff, through some Muslim leaders, established political contacts with Nehru and in turn exploited this contact at the highest level to consolidate his position within the community. There is another contradiction which must be taken note of by the perceptive students of modernization and social change in India. The Bohra Pontiff, in order to win support of the political leadership, swore by secularism and democracy but ironically enough, denied his community the benefits of these modern concepts. Within the community, he enforced strict orthodoxy (within this frame he refused to entertain the idea of separation between the religious and secular authorities advocated by the reformists) and regimentation frustrating any attempts at introduction of democratic reforms. Thus, it is one of the most successful attempts of manoeuvring external democracy in a backward country in order to frustrate internal democracy within a backward community. Perhaps, these are the hazards of making democracy functional in backward situation dominated by powerful vested interests.

### **Role of Muslim Politics**

To win prestige among the Muslims in India, the Bohra Pontiff in mid-fifties, announced, what could be described as the most strategic donation to the Aligarh Muslim University<sup>13</sup> and won its coveted chancellorship. This proved to be a well-calculated step to boost his position in Muslim politics in India. This brought him in intimate contact with the eminent Muslim leaders two of whom later rose to the august position of President of India. These contacts have been of immense help to him in meeting the challenge of reform leaders. These leaders have exercised subtle or open pressures on the Government not to take any step against the Pontiff although there is strong public opinion in favour of doing so.

The present Pontiff (52nd in succession) advised by his brother and political adviser Y. Najmuddin, has sought to forge

much closer alliance with Muslim politics in India. He has even sought, although not with much success, to exploit the Islamic fundamentalism to his advantage. We will throw more light on it later. First we shall deal with the Muslim politics as it is being harnessed by the Bohra priesthood to thwart attempts at social reforms within the community. The fact that the Muslim leaders are themselves striving hard to oppose any change or reforms has greatly helped the Bohra high priest.

The substantial issues of Muslim politics in India today are three :

- (1) that the government should not interfere with the Muslim personal law or, in other words, the Shariat Act of 1937, as enacted by the British Government, should be perpetuated. This clearly implies that the laws pertaining to Muslim marriage, divorce or inheritance should not be changed.
- (2) that the status of Aligarh Muslim University as a minority institution should be statutorily recognised and
- (3) that Urdu be given its rightful place in those States where there are sizeable number of people speaking that language.

As far as Indian Muslims are concerned these are highly emotional and identify-bearing issues. In the present situation—which has been creation of Muslim politicians themselves—no Muslim politician can climb up the political ladder ignoring the potential of these issues, which, in other words, means that in the present socio-political milieu no one aspiring to assume leadership of the Muslims can talk of any social change or reformation even within the Islamic frame-work. Not only that, no Muslim leader is prepared to seriously consider proposals to stop misuse of various provisions of the Shariat Law as it operates in India strictly in the spirit in which it was revealed by the law-giver.

We have thrown some light on these issues as today they have important bearing on the Bohra reform movement. The present socio-political milieu, as described above, has been fully exploited by the Bohra Pontiff and his political adviser. Y. Najmuddin has established close link with the Muslim Personal

Law Board. He was even elected as the treasurer—perhaps looking to his finance-providing capacity. These close links have been forged with the Muslim Personal Law Board in order to create an impression—albeit deceptive—that the issue of Muslim personal law is inalienably connected with the practices being imposed by the Bohra Pontiff on his followers. It would be quite in order to throw light on the immediate issues which are central in the fight for reforms in the Bohra community. These issues are as follows :

- (1) The Bohra high priest should render account for all the moneys he collects from them in the name of charity and religion.<sup>14</sup> This amount according to one estimate, based on the figures published by the priestly establishment, runs into several crores (twelve to be precise) per annum. The reformists maintain that the Pontiff is under obligation to render account for the money he collects from the community as the same is of charitable nature as laid down by the holy Koran.<sup>15</sup> The Koran clearly lays down various items under which the Zakat amount ought to be spent. No one, therefore, can refuse to account for Zakat, maintain the reformists.
- (2) The Pontiff should not insist on obtaining permission by his followers for everything from marriage to death, including purely secular activities like contesting elections, establishing charitable institutions like philanthropic trusts, schools or hospitals and similar other activities. The Pontiff seeks to control all such activities whether initiated by individuals or societies.
- (3) No one from amongst the Bohras should be socially ostracised (i.e. by being ex-communicated or socially boycotted) for maintaining views as listed under the items (1) and (2) above as is presently done. The reformists and their supporters, quoting various historical sources of the community point out that even tradition does not sanction such ostracisation as is being practised by the present Pontiff and his family. This kind of ostracisation results in complete denial of human and

democratic rights available under the constitution to any Indian citizen.

That the reformists have been fighting precisely for the issues listed above and not for any other extraneous considerations, much less for any personal ambitions, was established by the Nathwani Commission appointed by the Citizens for Democracy at the instance of Shri Jay Prakash Narayan.<sup>16</sup> The Nathwani Commission which the high priest vehemently opposed held its sessions at various important centres of Bohra population to examine both oral and documentary evidence in respect of the charges levelled by the reformist Bohras. The Commission, in its report, concluded :

“Our enquiry has shown that there is large scale infringement of civil liberties and human rights of reformist Bohras at the hands of the priestly class and that those who fail to obey the orders of the Syedna and his Amils, *even in purely secular matters* (emphasis added) are subjected to Baraat (social boycott) resulting in complete social boycott, mental torture and frequent physical assaults. The Misaq (the oath of unquestioning obedience to the Head Priest) which every Bohra is required to give before he or she attains the age of majority, is used as the main instrument for keeping the entire community under the subjugation of the Syedna and his nominees.”

The report, quite a significant document based on painstaking inquiry, goes on to add :

“On the threat of Baraat (social boycott) and the resulting grave disabilities, Bohras are prevented from reading periodicals which are censored by the Syedna (such as the Bombay Samachar, the Blitz and the Bohra Bulletin); from establishing charitable institutions like orphanages, dispensaries, libraries, etc. without the prior permission of the Syedna except by submitting to such conditions as he may impose; from contesting elections to municipal and legislative bodies without securing beforehand the blessings of the Syedna; and above all, from having any social contact with a person subjected to Baraat, even if the person is one's husband, wife, brother, sister, father or son. The weapon of Baraat has

been used to compel a husband to divorce his wife, a son to disown his father, a mother to refuse to see her son, and a brother or sister to desist from attending the marriage of his or her sister or brother.”<sup>17</sup>

As can be clearly seen from the findings of the Nathwani Commission quoted above, the Bohras in general and, the supporters of the reform party in particular, are suffering from grave disabilities in the form of total suppression of their basic rights and the thrust of the reform movement is to win back these rights. As the Nathwani Commission comprised, among others, of two retired High Court judges, besides some eminent scholars, one can reasonably assume that the findings of the commission have been based on careful scrutiny of all available documents. It should also be noted that the high priest has not seriously challenged from any forum the contents and the findings of the report.

The demands put forward by the reformists, thus stand fully vindicated by the findings of the commission and make out a convincing case for restoration of human and democratic rights the Bohras are being deprived of at the hands of the priestly establishment. It also becomes clear that the issue of Muslim personal law as explained above does not relate directly or indirectly with the issues the reformists among the Bohras are fighting for. And yet, although not altogether surprisingly, in view of the financial resources commanded by the priestly family, the Muslim leaders (specially right-wing-Muslim leaders and those belonging to religious establishments), at the instance of the Bohra high priest, have linked it up with the issue of Muslim personal law. These leaders condemned appointment of Nathwani Commission as an interference, into the Muslim personal law by outsiders. They took this stand despite the fact that the leaders of the reformist Bohras had personally met them and tried to convince that the scope of inquiry by the proposed commission would be strictly limited to the issues of civil and democratic rights and that no religious belief, much less the issues relating to the Muslim personal law. Even the commission, at the instance of the reform leaders, issued a press statement to this effect.

However, the few Muslim leaders supporting the Syedna did not relent. Not only this, these leaders completely ignored the pleas by the reformists to constitute a panel of Muslim Ulama and leaders to hold an inquiry into the allegations of atrocities perpetrated by the high priest on the reformists and their followers. This attitude of the Muslim Ulama and leaders (of course, there are some exceptions to this rule) raises some important question in the context of Muslim minority and their religious rights in India.

These Muslim religious and political leaders not only would not allow any change in the Muslim personal law but would not permit the political authority in the country to legislate away misuses of religion by unscrupulous elements. Thus, in their eyes all unscrupulous acts assume sacred character if perpetrated under the garb of religion. They are powerful obstruction in the process of modernization and change; this can be explained away say by their conservative outlook; but their vehement opposition to prevention of misuses of religion through legislative measures can hardly be explained by anything other than opportunism.

Here it is important to note the provisions of the constitution in respect of freedom of conscience and free profession, practice and propagation of religion. The article 25(1) clearly states "*Subject to public order, morality and health* and to the other provisions of this part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion" (emphasis added). Also the section 2 of the article 25 lays down :

Nothing in this article shall affect the operation of any existing law or prevent the State from making any law :

- (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice,
- (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

The religious minorities including the Muslims claim their right to freely profess and propagate their religions under this provision of the constitution. However, the article makes it

abundantly clear that this right is not absolute but is subject to public order, morality and health and that the State can not be prevented from making any regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice.

The Bohra reform movement, as emphasised earlier, is mainly directed against misuse of religion and religious authority and not at reforming the basic doctrines of the Shi'a Isma'ili faith, much less reforming the religion out of existence. Although it cannot be denied that modern and democratic values—which in a sense though not strictly part of the community's tradition, are certainly not alien to its spirit—they have never wished to touch or alter the doctrinal core of their religion. In this sense their attempts at reforms may even be characterized as non-modernist. The reformists, let it be understood properly, while rejecting the doctrine of total and unconditional submission to authority, have not, at any time, advocated unqualified use of reason for examining their religious beliefs. A critical and scientific scrutiny of the religious tenets is not the moving passion of the reformists. Their moving passion, instead, is misuse of the faith and its exploitation for personal ends.

Thus, they plead that since in the constitution the right to free profession, practice and propagation of religion is not absolute but "subject to public order, morality and health" and this qualifying condition has not been seriously challenged by any minority community or section of a minority community, the State must intervene through appropriate legislative measures to check this misuse of religion. Such legislative measures can not, by any stretch of imagination, be construed as interference into the religious affairs. The reformists, in keeping with this constitutional provision, also argue that there cannot be a blanket application of this freedom to profess and practise religion on all the activities of its followers. One has to distinguish between religious activity and activity associated with religion cannot go beyond the purview of State intervention in the interest of society as a whole. It is precisely in this spirit, the reformists further argue, that the State has enacted Wakf Act, Ajmer Durgah Sharif Act and Tirupathi Devasthanam Act without inviting

Constitutionally or otherwise, the stigma of interfering into the religious affairs of these religious communities.

Also, it is in this spirit that untouchability was legislated away, although, and it important to note, it has a religious sanction according to the Hindu scriptures. The reformists and their supporters have been victims of either ex-communication or social boycott (*baraat*) which has, as such, no religious sanction at all. The reformists want the State to enact a law to abolish *baraat* (social boycott) in as much as this practice results in severe social disabilities depriving a person so boycotted of all his civil rights within the community in addition to disrupting his entire family life and financial security. A boycotted person is prevented from maintaining contacts with his own family members including his wife, children and parents (Nathwani Commission Report has highlighted several of such instances with documentary and oral evidences) and thus his fate becomes worse than that of an untouchable. He suffers mental anguish which can hardly be described in words. To legislate against such practices is strongly warranted by the article 25 and 25(2)(a).

Chief Justice Sinha, in his judgement in the case challenging the Prevention of Ex-communication Act in the Supreme Court had observed, "Actions of the *Dal-ul-Mutlaq* (the chief Pontiff) in the purely religious aspect are not a concern of the courts, but his actions touching the civil rights of the members of the community are justiciable and not outside the pale of interference by the legislature or the judiciary. I am not called upon to decide, nor am I competent to do so, as to what are the religious matters in which the *Dai-ul-Mutlaq* functions according to his religious sense. I am only concerned with the civil aspect of the controversy relating to the constitutionality of the Act, and I have to determine only that controversy."<sup>18</sup> Chief Justice B. P. Sinha has, in above words, summarised the case of the reformist Bohras. Upholding the Act he also succinctly observed:

"On the social aspect of ex-communication, one is inclined to think that the position of an ex-communicated person becomes that of an untouchable in his community, and if that is so, the Act in declaring such practice to be void has only carried out the strict injunction of Art. 17 of the constitution, by

which untouchability shall be an offence punishable in accordance with law. The Act, in this sense, is its logical corollary and must, therefore, be upheld." 19

It is, thus-obvious that the reformists without challenging the central religious doctrines of their faith, are (although it is not *sine qua non* of their struggle) in some of the practices being perpetrated by the religious head leading to grave disruption of social health and which are not integral part of the Shi'a Isma'ili faith either. It is also interesting to note here that even the doctrine of *ta'wil* (esoteric interpretation of the Koran) does not empower a Da'i to claim for himself extraordinary powers to re-interpret the faith and its teaching formulating new practices (in Chandabhai Gulla case the 51st Da'i sought to do so but failed to substantiate his claims and even withdrew them) as, according to the Dawoodi Bohra tenets he is not infallible, the doctrine of infallibility being applicable on to Imam who is in seclusion. The present Da'i and his father had sought to claim infallibility but failed to do so firstly because such a position is not supported by the available religious literature of the sect<sup>20</sup> and secondly because such a claim would lead to there being two infallible personalities living contemporaneously which is not admissible proposition.

The reformists, therefore, argue that the practices being imposed by the present Da'i leading to unprecedented social turmoil within the community have, as argued above, neither religious sanction nor constitutional validity. The Muslim leaders have, thus, no case in defending the high priest either on the grounds of non interference in Muslim personal law or on the constitutional grounds under article 25 which specifically qualifies the freedom to profess and practise religion subject to public order, morality and health.

It should also be noted here with due emphasis that the high priest has been using the weapon of ex-communication or *baraat* (social boycott) not against religious dissenters (i.e. either those who renounce the accepted tenets and doctrines of the Shi'a Isma'ili Must'alian faith or those who have innovated new doctrines) but chiefly against those who assert their constitutional rights to promote either purely secular activities or activities associated with religion and also against those who demand of him to render

accounts of the huge collection of funds made by him from the members of the community through highly institutionalised system of taxes in the name of religion. Also, the doctrine of accountability forms integral part of all the Shi'a Muslim sects as 'Ali, next only to the prophet in the Shi'a religious hierarchy, is reported to have practised it most scrupulously. But the Bohra high priest not only refuses to accept this doctrine but socially ostracises by declaring social boycott against those who insist on its acceptability. It may be recalled that the chief issue in the Chandabhai Gulla case, the major turning point in the Bohra reform movement in the early twentieth century, was the doctrine of accountability and the same was upheld by the judge Martin of the Bombay High Court as in keeping with the religious tenets of the Dawoodi Bohras.

A large number of Dawoodi Bohras are facing severe persecution today at the hands of their high priest not because they have revised or innovated new religious doctrines but simply because they have been insisting on the acceptance of the doctrine of accountability by the Syedna. Article 27 of the constitution even lays down that "No person shall be compelled to pay any taxes, the proceeds of which are specifically appropriated in payment of expenses for the promotion or maintenance of any particular religion or religious denomination." The Bohra high priest compels, under the pain of social boycott, his followers to pay such taxes. The Nathwani Commission report also clearly indicates the element of compulsion in collection of these taxes. It would be a sheer myth to maintain that these taxes are voluntary in nature so far as the followers of the Syedna are concerned.

However, respecting the religious susceptibilities of the Muslim and other minorities the reformists have not invoked the article 27 of the Constitutions so far in their campaign. They are, however, demanding from the government to enact a comprehensive act on the lines of the Ajmer Dargah Sharif Act, or Tirupathi Devasthanam Act to control and regulate the huge amounts collected by the Bohra priestly establishment by way of charity and, there are very strong grounds to believe, the same is being misappropriated on large scale. The Article 26 (a) of the constitution, which allowing the right "to establish and maintain institutions for religious and charitable purposes", qualifies this right too, as under article 25,

with the phrase "subject to public order, morality and health". And, it is in this spirit, that the Acts above referred to (i.e. Ajmer Dargah Sharif Act etc.) have been enacted and it is in this spirit that the reformists want an act to control and regulate the Bohra charitable institutions.

It is also very important to note that the constitutional rights guaranteed to the minorities whether under articles 25 and 26 or any other articles are meant for the welfare of the general members of these communities and not for powerful coteries which emerge within these communities to monopolise these rights and in the process denying helpless members of these communities enjoyment of these rights for whom they are primarily meant. What is happening in the Bohra Community is the best example of this situation. If these rights have to have any meaning for the ordinary members of the community the power of such powerful coteries will have to be broken. The reformists are engaged in the gigantic struggle to break this power so that ordinary Bohras—more than fifty per cent of whom live in dire poverty—could benefit from the huge amount of charitable funds made available by many rich philanthropists.

### **Role of the Politicians**

It is obvious that no movement for social change can succeed in the long run without the political will on the part of the political leadership which guides destiny of the country. Theoretically speaking, the political leadership stands committed to progressive social change. However, as all of us know, the situation is very much different in practice. Any movement for social change meets with powerful constraints from the political leadership. This leadership is concerned, more than anything else, with power for its own sake i.e. power to control and monopolise resources rather than for bringing about their just and equitable distribution and accelerating progressive social change. In every caste and community, in such a situation, there have emerged powerful groups and coteries which, speaking in the name of their respective caste and community, act as vote banks for the political parties and dictate terms to them. Thus, the vicious circle comes into existence. These groups and coteries provide mass votes to enable politicians to win and in return expect the victorious politicians to protect their illegitimate interests. Thus democracy, in its institutionalised

functioning in a situation like that of India where, due to social backwardness, individual consciousness stands super-imposed by communal or caste consciousness which can be easily manipulated by the interested groups, becomes conducive to opposing progressive change. Also, smaller the numerical strength of a caste or community and greater its sense of deprivation, real or imagined more heightened is communal or caste consciousness. It can also be described as identity-consciousness. The Muslim community in India (we are not concerned here, at least directly with horizontal and vertical stratifications which undoubtedly exist among them), though numerically not insignificant like Parsis, have strong sense of deprivation and hence have relatively more heightened communal and identity-consciousness.

For understanding the complex process of social change, it is necessary to bear these two factors i.e. numerical strength and sense of deprivation (one factor is physical whereas the other is psychological) as far as minorities are concerned. It is also important to note that greater or more heightened the communal consciousness, lesser will be the scope for operation of individual rights. This is precisely the situation prevailing among the Indian Muslims today. They have heightened communal consciousness on account of sense of deprivation and hence rights of individuals in the community (whether in matters of divorce, marriage or other social matters) tend to take back seat. In a ballot-box oriented democracy, heightened communal consciousness can be cleverly manipulated to produce mass vote. The ruling party does precisely that and thus becomes a powerful factor in blocking any meaningful social change.

### **Case of Modernization and Change among the Bohras**

The case of the Bohra community is, in a way, comparable to that of the Parsi community. Unlike other Muslims, it is numerically much smaller but does not live under the sense of grave deprivation and feels comparatively economically more secure. Also, being a business community, it has had some share (obviously I am saying this only in a relative sense) in the fruits of development in the country. Yet, like the Parsis, its insignificant numerical strength i.e. its tiny size makes it more identity-conscious and change resistant. Greater economic

prosperity and relatively higher degree of education, at least among its elite, drives it towards change and modernisation but its size and sense of preserving its identity compels it to conserve its tradition. It leads to tension but so far this tension has remained within the manageable limits and under the control of conservative forces. The forces of change in other words, are not strong enough to generate powerful pressures for change.

There are several reasons for this. The bulk of the Bohras are petty traders living in small towns (it is primarily an urban community. Agriculture is exception rather than rule, among the Bohras). These petty traders hardly feel any functional need for education beyond elementary levels. Their sons join them in their calling after madrasa education (of which the priesthood has taken care to provide a fairly good net-work as it helps strengthening the religious identity of the community), which, normally coupled with elementary secular education is considered fair enough for the requirements of their calling. The girls, of course, after madrasa education, join their mothers in performing household chores and are later married off. The level of education among the Bohra women is alarmingly low except in a few major urban centres wherein middle and upper-class Bohra families have encouraged their daughters to go for college education. Such a situation helps in keeping the traditional structure of the community intact. This structure for historical reasons, as explained above, has been highly centralised and strongly discourages any centrifugal tendencies. Needless to say, such a centralised power structure has been a great asset for the community as it saw it through the most difficult circumstances of external persecution and threat to its identity-conscious existence.

However, this strongly centralised structure has thrown up its own problems today in as much as it prevents individuals from exercising their rights and are totally subordinated to the centralised structure. Greater degree of industrialisation and expansion of commerce and trade is bringing more material prosperity to quite a few trading Bohra families which in turn leads to greater assertion of individual rights. This has created a social malaise within the community and the reform movement is one of its symptoms. The priestly family sitting at the apex of the power pyramid, is trying to curb with strong hands the emergence

of individual consciousness as it militates against their monopoly of the power over the community. The priesthood, of late, has been taking ruthless measures to strengthen the traditional structure of the community. And, it must be admitted that to meet the challenge of reform and social change which is gathering momentum no doubt, the priestly family has used the centralised structure more efficiently. Not only this, it is employing modern scientific techniques of organisation most methodically to preserve and strengthen the centralised structure which was evolved to suit the needs of medieval ages.

### **Role of Islamic Fundamentalism**

The Bohra priesthood, as pointed out earlier, has drawn support from the conservative Muslim leadership in their campaign against the reformists. The demands of the reformists, as analysed above, are essentially non-modernist but, nevertheless, have been inspired by the modern thrust for social transformation and as such is dreaded by not only the Bohra priesthood against whose authoritarianism it is chiefly directed but also try other Muslim 'ulama and conservative political leadership which looks upon it with suspicion. Although Islam has no concept of priesthood, much less church-like priestly hierarchy, and the thrust of the reform movement is against the hierarchy yet it fails to evoke any response from orthodox Muslim Ulama. Further, despite many anti-Islamic practices (mainly from the orthodox Muslim point of view) being perpetrated by the Bohra priesthood, the ulama, both for political and personal reasons, tend to support the Bohra Pontiff.

The Syedna, on his part, in order to force closer links with the Muslim 'Ulama has started emphasising orthodox practices long given up by the members of the community. In this venture the Pontiff has taken his cue from the wave of Islamic fundamentalism sweeping across the Islamic world. At the end of eighties the high priest issued an edict requiring all the male members to grow beard and wear traditional head gear and all the female members to wear veil. He also issued a separate injunction banning interest (the practice of giving and taking interest is very widely prevalent in the Bohra community in view of its business needs and many members of the priestly family are also known

to be indulging in interest bearing transactions) and dissolving co-operative societies giving interest bearing loans to the merchants. The latter directive caused much furore in the community as interest was sought to be abolished without making any alternate arrangements for interest-free loans.

The high priest sought to drive maximum propaganda benefit out of these measures among Indian Muslims as well as in the Islamic countries. The high priest's brother Yusuf Najmuddin began to attend international seminars convened by the Islamic countries in search of developing closer links with these countries and using these connections back home to bring pressure on the Indian government not to take any steps against the priestly establishment under pressure from the reformists. In order to refurbish his Islamic image, the high priest undertook repairs to a dilapidated mosque al-Jami'a Anwar belonging to the Fatimid period in Cairo. According to the press release the high priest spent 3 million dollars on the first stage of the extensive repairs and an equal amount is planned to be spent on its second stage.<sup>21</sup>

A grand inaugural function was held in Cairo and the mosque was thrown open after the repairs by the Egyptian president Anwar Sadat. Needless to say, the members of the community had to bear the entire financial brunt for promoting the high priest's fundamentalist image. The high priest, with a view to develop effective counter-weight to the reform movement at home, is also trying to promote active relationship with militant Muslim organisations, in non-Muslim countries. He has, thus developed, close relationship with the leaders of the European Council of Islam. In fact the high priest got this organisation to launch a signature campaign against Nathwani Commission in 1977 construing the commission's inquiry as an unwarranted interference into the 'religious affairs' of the Muslim minority community in India. In the U.S.A. the Bilal News a militant black-Muslim paper—was approached to carry an article against the Nathwani inquiry depicting the same as a grave danger, to the identity of Indian Muslims. There are a number of Bohra families in the U.K., U.S.A., Canada and countries of the Middle-East, East Africa and Pakistan. These Bohras were made to approach the Muslim organisations for a joint protest against the grave dangers to the "Muslim identity" (read the Bohra priestly interests) in India.

It would be seen that the Bohra priesthood has tried to successfully exploit, for its own self interest on the one hand, what could be described the community's obsession to preserve its historical identity by sharply distinguishing itself from the mainstream of Sunni Muslims in the country in particular and from other sections of population in general (reformists have been posed as obliterating this self-identity of the community) and, on the other, by linking up the issue with the minority rights guaranteed in the Indian Constitution, thus playing up the sensibilities of the Muslim minority to preserve its religious identity in a hostile (imagined or real) environment. Such a course is, of course, fraught with doctrinal contradictions which the reformists have sought to exploit. It would be interesting to throw some light on this aspect also.

The Bohras are, strictly speaking, a dissident sect within the larger Islamic community. Historically, they have been looked down upon—even severely persecuted—for their 'heretical doctrines' and esoteric beliefs. At best it could be said to have been maintaining an uneasy truce with the orthodox Sunni Muslims. The 51st Da'i Syedna Taher Saifuddin, in one of his books compiled by him,<sup>22</sup> through esoteric interpretations of the holy Koran (ta'wil), claimed that only those who follow him are true Muslims as he holds one end of the God's string in his hand, all others being a misguided lot doomed to and up in hell-fire. This book raised a storm of protest from the Muslim leaders and eventually resulted in being banned by the British Government. The 51st Da'i, in the later part of his reign when he was seeking support of the orthodox Sunni leaders, continued to press such outrageous claims from the orthodox Sunni point to view within the community through his sermons although refraining from publicly publishing such views.

The reformists too consider the Muslim support vital to exercise pressure on the government to curb the exploitative activities of the Bohra Pontiff. They, therefore, frequently expose the Pontiff's 'anti-Islamic' 'anti-orthodox' activities before the Muslim masses. Thus, it would be seen that in an essentially backward society like that of India a movement for social change (and modernising by implication) has to be conducted in an orthodox frame-work. This becomes a great drag on the movement

and results in giving it a very tortuous course. There can hardly be a straight path—let alone any short-cut-to social change in such a situation. The fact that even a movement for social change has to be couched in a traditional idiom reflects upon the complexity of the objective situation.

It also must be made clear that the reformist leaders, fully respect the religious sensibilities of the Bohra masses who have great faith in the doctrines of their religion. The Bohras also have shown great degree of tenacity in preserving their sectarian identity and the reformists argue that the present religious establishment has cleverly manoeuvred this situation to demand total submission to, and uncritical acceptance of its authority. The rapid social transformation is widening the base for change in the Bohra community also and the social milieu is becoming less and less conducive to such unqualified submission to any authority. Thus, situational dynamics—and its constraints which cannot be ignored either—throws up areas of tension which must be creatively resolved. Static sense of identity would not help any longer. Self-identity must also lead to self alteration if the group or the community has to find its organic moorings in the new situation.<sup>5</sup> For, the truth (around which a community's identity crystallises) while based on revelation or intuition can not be entirely divested of conformity to fact. The community, argue the reformists, must develop respect for fact while having abiding faith in the revealed truth. The two can be integrated harmoniously.

Total submission to authority may provide solace and sense of security—and this eminently suits the pathos of petty traders and hence has been the forte of the priesthood and weakness of the reform movement—but it dulls the creative faculties of the community. The present situation, the reformists feel, is not conducive to dynamic growth for the community although it may have helped preserve its static identity. If the creative energies of the community are released from the bondage to priesthood, the Bohras can contribute much more than what they have been able to do in view of these rigid constraints. The Parsis, tinier in size than the Bohras, and no less obsessed with preserving their identity, have produced many more noted industrialists, scientists, politicians, legal luminaries, writers and artists.

It is high time the Bohras loosen their shackles and begin in right earnest to develop institutional frame-work for material and spiritual development of the community and for which enough resources are available to it. There are far less educational, financial and similar other institutions to provide, infra-structure for development than needed and whatever are, are under the rigid control of the priesthood which effectively throttles their growth and causes their creative energies to be atrophied. The present well-knit structure of the community is eminently suited for orderly growth and development. What is needed, is to liberate it from the rigid control of the powerful priestly interests.

## REFERENCES

1. Mausam-e—Bahar.
2. Theodore Wright Jr. Modernisation etc.
3. Qaramita—a Sub-branch of the Ismai'lis had its stronghold in the Babylonian area. They were mostly of peasant stock.
4. It is difficult to trace out authentic historical records as what mainly exists is a semi-legendry accounts given by Mausam-e-Bahar by Miyon Saheb Mohammed Ali Ibn Mulla Jivabhai, Bombay-1299 A.H.
5. Please see the present author's article on Syedi-Sadiq Ali in *Journal of Medieval Indian Literature*, Punjab University, Sept. 1977, Vol. 1, No. 1 for the detailed treatment of the subject.
6. See Chapter-5 in 'The Bohras' by Asghar Ali Engineer, Vikas, 1980.
7. Cohn Bernard S. "Some Notes on Law and Change in North India". *Economic Development and Cultural Change* quoted by Theodore Wright Jr. in "Competitive Modernization within the Dandi Bohra Sect". See *Competition and Modernizations in South Asia*. ed. Helen E. Ullrich, 1975. p—154.
8. See the details of the Burhanpur Durgan case and Chandabhai Gulla case described by the present author in his book 'The Bohras' op.cit. pp. 165-217.
9. Those who advocate modernism better try to understand the complex social phenomena at work in a backward society manipulated by the powerful vested interests. A transformation of the social base conducive to the ethos of modernism is highly necessary for its acceptability. Mere abstract notions, without functional needs, do not help much. This hypothesis has been success-fully tested, at least in the case of the Bohra community.
10. The famous Chandabhai Gulla case was instituted by the 'Advocate General of Bombay at the instance of Sir Ibrahimbhoy Peerbhoy, the

- illustrious son of Sir Adamjee Peerbhoy. The judgement delivered by J. Martin makes an extremely interesting reading. See the judgement of the Supreme Court of India on Original side No. 128 of 1958.
11. He went to the extent of claiming that all his followers are merely his account-keepers (mehtas) and he is the real owner of all their properties. See the judgement.
  12. Sinha C. J. wrote in his judgement : 'It (i.e. the Prevention of Ex-communication Act) is also aimed at ensuring human dignity and removing all those restrictions which prevent a person from living his own life so long as he did not interfere with similar rights of others. The legislature had to take the logical final step of creating a new offence by laying down that nobody had right to deprive others of their civil rights simply because the latter did not conform to a particular pattern of conduct". The learned Chief Justice also most pertinently observed, "On the social aspect of excommunication, one is inclined to think that the position of an excommunicated person becomes that of an untouchable in his community, and if that is so, the Act in declaring such practice to be void has only carried out the strict injunction of Art. 17 of the Constitution. by which untouchability shall be an offence punishable in accordance with law. The Act, in this sense, is its logical corollary and must, therefore, be upheld," See Supreme Court Judgement op-cit.
  13. The high priest collected money from the community for the announced donation but as yet it is by no means established whether he paid the entire amount to the Muslim University.
  14. The Bohra Pontiff collects from each head of the family the following seven taxes: (1) Zakat (2) Fitra (3) Sila (4) Nazar Muqam (5) Khums (6) Haqqun Nafs (7) Personal offerings. Under all these heads the Pontiff collects a huge amount yearly from the community.
  15. Not all the levies imposed by the Pontiff are obligatory as per the Koranic injunctions. Some levies do not have even traditional sanction like Nazar-Muqam or Haqqun Nafs. However, they have been ostensibly levied for charitable purposes and must be, as such, accounted for, the reformists maintain.
  16. Shri Jaiprakash Narayan wrote to Justice V. M. Tarkunde. "...the high priest functions like a State within a State. He levies taxes and penalises his followers for acts which he considers an offence to him. Recently, a deputation headed by S. M. Joshi went to see the Prime Minister to appoint a commission to enquire into the grievances regarding harassment of the reformist section of the Bohra community. The Prime Minister expressed his inability to appoint a commission on behalf of the Government but he suggested that a non-official committee should be asked to do this work....
  17. Nathwani Commission Report, published by CFD, Ahmedabad, 1979, pp-133.
  18. Vide Judgement on writ petition filed in the Supreme Court of India on Original Side bearing No-128 of 1958.

19. Ibid.
20. One of the distinguished Isma'ili authors Syedi had advocated the concept of Da'i being Kal-m'asum i.e. near infallible or like infallible which is not same thing as infallible.
21. See 'Egyptian Gazette', Nov. 23, 1980.
22. Syedna Taher Saifuddin Dau' Nuri'l Haqqi'l Mubin, Bombay.

## THE BOHRAS TERRORISED

The reform movement in the Bohra community has greatly shaken the Bohra high priest and his establishment. Unable to counter the well argued case of the reformists, the high priest's powerful establishment has resorted to naked terror. The victims of this terror are not merely the reformists but the whole community of around a million Bohras. Again, it is not only those who reside in India who face this terror; all those Bohras residing abroad namely Pakistan, Thailand, Ceylone, Yemen, East Africa, countries of the Middle-East, U.S.A., U.K., Canada and other countries as well, are hapless victims of this 'holy terror' as a leading weekly from Calcutta called it. It would be my endeavour in this article to give some horrifying details of these terrorising acts being perpetrated by Syedna Muhammad Burhanuddin and his hirelings.

These are no mere statements of exaggerated, false, or restrained allegations; on the contrary, these are statement of facts. The Nathwani Commission, headed by a retired high court judge duly verified many of these allegations and found them to be true. The report of the commission is a published document. It has not been challenged by the high priest or any of his agent in the court of law for libel or defamation. Neither was there any refutation of the contents of the report through any other forum. All this speaks volumes about the authenticity of the report

The report by way of conclusion says : "Our enquiry has shown that there is large-scale infringement of civil liberties and

human rights of reformist Bohras at the hands of the priestly class and that those who fail to obey the orders of the Syedna and his Amils, even in purely secular matters, are subjected to *Baraat* requiring in complete social boycott, mental torture and frequent physical assaults."

What kinds of orders are issued by the high priest and what exactly are the consequences of defiance of these orders? What is the mechanism of enforcement and why is non-compliance so severely punished? These are some very important questions which need to be dealt with in order to understand the severity of the problem.

The strict compliance of its orders is insisted upon by the Bohra priesthood so that people pay them money they demand out of terror. It is hard to believe to what extent religion can be commercialised. The Bohra priesthood demands money on any and every occasion, death too being no exception. The burial grounds, though belonging to the Bombay Municipal Corporation in Bombay and to the district collectors elsewhere are under strict control of the priestly network. No dead can be buried without written permission from the high or local priest and the permission can be had only for a price.

In no other religious community bargaining for a price is done for the burial or cremation of a dead body. Money is demanded for two yards of burial ground and also for the 'salvation' of the dead. The '*pugri*', to use the Bombayite language, for two yards of burial ground in Narialwadi cemetery in Bombay ranges from Rs. 5,000 to 25,000 or even more depending on the financial status of the person concerned. In addition to this, money is charged, like the Pope once used to sell indulgences, for the 'salvation' of the dead. It is compulsory for everyone to pay, the amount in this case too varies according to the capacity to pay. The salvation money so paid is known as '*haqqun nafs*'; The bereaved of a near and dear ones in the Bohra community have to worry first for arranging for payment to Syedna than for the disposal of the dead. It is most agonising experience for any Bohra.

The occasion of marriage too brings no cheer to him. Before he can experience the joy he has again to worry about the permission from the high priest or his agent which can be had only for a price. Not only he has to worry for the payment he has to meet

many other stringent conditions if he has to go through the *Nikah* and reception ceremonies smoothly. Conditions include all the invitees must come in *qaumi libas* (i.e. the prescribed dress for the community)—men wearing cap and women properly veiled. Any indication of infringement or defiance normally result in termination of permission for marriage as well as the hall (the marriage halls are also under strict control of the priesthood). In many cases the priesthood takes substantial deposit from the parents of the groom and the same is forfeited if anyone without *qaumi libas* is admitted into the hall. There is also a famous Dadhi deposit case filed by the Baxamusa family in Sur. The high priest had insisted on deposit for a surety for growing beard before solemnising marriage and later refused to return the deposit saying it is necessary as a guarantee against its being shaved.

If a person has any past or present record of defiance, burial of the dead or solemnisation of marriage would become still more problematic. I would give two instances to prove my point. I would refrain from mentioning names for obvious reasons. Last year the Syedna's wrath descended on the Bombay Mercantile Cooperative Bank as his establishment failed to bring it under its control. He ordered all the Bohra employees of the Bank to resign. Some did, others who did not, ran into serious trouble on different occasions. One senior official of the bank who failed to comply with the Syedna's fiat faced the music on the occasion of his son's marriage. He had to cancel, through newspaper notice, reception arranged as the Bohra priesthood would not agree to solemnize marriage unless he resigned his job. The poor official had to undergo great deal of humiliation as well as agony.

More condemnable, for its most anti-human character, was another incident reported to the present writer by the relative of an unfortunate young female employee of the Mercantile Bank. She also had, in view of difficult economic condition of her family, refused to resign her job as per the Syedna's directive. Last year she and her entire family were killed in a building fire near Masjid Bunder where they resided. The priestly establishment, instead of sympathising with the family for this grim tragedy, thought it fit to wreak revenge by delaying permission for burial for 24 hours as the girl had failed to resign her job despite Syedna's fiat. There is another equally pathetic incident in which the marriage

of a young Bohra female employee of the bank was got forcibly dissolved (her husband was compelled, under threat of social boycott, to divorce her) which caused, needless to say, great agony to the aged parents of the girl in addition to ruining her life.

If this is the plight of the non-reformist Bohras one can well imagine the fate of the reformist Bohras. They have to face total social boycott which sends shivers down the spines of many a powerful family in this closely knit community. Even the rich and politically well connected individuals or families dread the consequences of *Baraat* (social boycott). Even Bohra M. Ps. (presently none), M.L.A. mayors and ministers shake with fear and believe me there is no exaggeration in this, whatsoever. The families of the Bohra reformists are divided, thus completely shattering the family life. Such a division in the family becomes all the more tortuous when living in a traditional society like that of India. In such a society family ties are of great importance. The agony of this division becomes all the more acute at the time of marriage or death and also if the separation is forced between a widowed mother and her only son (the present writer is undergoing similar agony presently).

In certain cases the Syedna's well-organized spy network even goes to the extent of tracking down letters exchanged between mother and son. The letters can be easily tracked down by bringing a local postman. Such a case, with documentary proof, was put before Nathwani Commission. A widowed mother, separated from her reformist son was 'caught' writing letters to her only son who lives in Malegoan. She was threatened with social boycott, if she ever wrote again. One can well imagine the agony of both mother and son.

The reformists are not permitted to enter any Bohra mosque or holy shrine and if they do, they get physically thrown out. Merciless violence is unleashed in many cases on those who attempt an entry. The most recent case is of 30 helpless Bohra ladies from Udaipur who tried to enter the holy shrine of Syedna Qutbuddin Shahid in Ahmedabad in the first week of December, 1983. A large number of goondas set upon them, looting and molesting them. Many ladies lost their valuables and got their clothes torn to pieces. The ladies simply fled in terror.

Also, there is no question of reformists getting permission for marriage or burial. There are many pathetic instances for forcible prevention of burial of the dead belonging to the reformists. The dead bodies have been stoned and dishonoured in other ways. One Suleman Contractor's body, on being brought near Khar cemetery, had to meet with shower of stones by the hirelings of the Syedna. Many notorious characters were in the forefront. The police had to lathi charge, burst teargas shells and fire in the air and arrest scores of these hirelings before the body could be laid to rest.

Even the ex-reformists are not spared this agony. One Mr. Husain Tajani of Rajkot, an ex-reformist, died some six months ago. The local priest refused to permit his burial. His body had to be carted away 40 miles from Rajkot for burial before the Amil's fiat could reach there. A Muslim friend of Mr. Tajani has filed a suit in the local court in this connection. No Bohra from Rajkot, for fear of obvious consequences, came forward to file a suit though secret sympathies have been shown by many.

The Bohras do not escape Syenda's wrath even in countries like U.S.A., U.K., East Africa, etc. The Nathwani Commission reports :

“One can continue with the Bohra Community only at the expense of loss of one's personality and human dignity. A report from London by Yusuf N. Patwa shows how Nuruddin A. Kirefu was forced to kiss the feet of Prof. Hatim Hamiduddin Sahib (one of the Syedna's younger brother, A.E.) at Misaq ceremony (Misaq is oath of allegiance) of his children. He had to pay 17 pounds for the Misaq. Thereafter, the Head of Leicester Jamat ordered him to sever all connections with his people from Kampala. In England too, the writ of orthodoxy runs. This is also seen in another instance when the father of the bride Asgharali Akbarali of Cambridge was compelled to cancel invitations for the wedding sent to the reformers amongst the Dawoodi Bohras. The followers are also compelled to do Sajdah (prostration) before the *Dai* (the high priest.) No Muslim sect can approve of such an act which is prohibited by the Holy Koran: “Sajdah” can be offered only to God and not to any human being. Several

such instances have been brought to the notice of the Commission.”

*Qaumi Libas* (Community dress) is strictly insisted upon and the violaters humiliated in other countries as well. Thus, Nathwani Commission records :

“Fida Hussain Adamali from Nairobi states that Dr. Y.A. Yamani was turned out of the graveyard in Nairobi when he attended without sherwani the burial of the patient who was under his treatment. The respondent has also produced a copy of public appeal by Dr. Y.A. Yamani to all the members of the Dawoodi Jamaat complaining against his insult and suspension from the community. The respondent has further stated that in Kenya, males are not allowed to enter Masjid or graveyard without turban and sherwani (a kind of overall) and all *Chitthiwala* Bohras (those holding identity cards to distinguish them from the reformist Bohras, A.E.) are compelled to wear beard. Women on reaching 18 years old and above are not allowed in Masjid and are boycotted if they do not wear Burqa (veil).”

This is not only from of harrassment of the reformists. They are subjected to a systematic campaign of character assassination as well as physical assault. On 12 June, 1977 a reformist leader Norman L. Contractor, along with his daughter Yasmin and son-in-law Rahim Contractor narrowly escaped being burnt alive in Godhra at the place of their reformist host Saifee Pawagarhwala. However, Mr. Contractor's car was reduced to ashes and Mr. Pawagarhwala's valuables looted. He lost all he had. Another reformist preacher Mulla Abbas Aurangabadi was burnt to death in Karachi. In his dying declaration he indicated one of the Syedna's brother. Syedna's powerful political connection in Pakistan helped him hush up the gruesome murder.

One Sheikh Sajjad Husain, a reformist priest who dared to rebel against the Syedna, was got murdered through mob violence. The Nathwani Commission report says, on the basis of recorded evidence :

“On 22-11-1974 at night the teachers and pupils and other miscreants held a meeting at the school and after planning the

assault they divided themselves into three groups and attacked the witness's family (i.e. the family of his father Sajjad Husain) at about 10 P.M....All household furniture, utensils were looted and stones were thrown and food was destroyed and costly articles and glass-ware were broken. Sheikh Ali Ahmed and his family members also were protected by neighbouring Hindu families.'

Sheikh Sajjad Husain later died as a result of internal injuries sustained due to severe beating on 25-11-74. When he died, says the report, the priestly class celebrated 'victory' by a show of fireworks from 2 to 10 P.M. and sweets were also distributed.

The present writer was also thrice assaulted on different occasions in Calcutta and Hyderabad and once stabbed on 15th February, 1981, while presenting a paper on the Reform Movements in Islam in Nizam College, Hyderabad. For me too, it was a narrow escape. Recently, the Bohra high priest's establishment forged a press release in the name of C.B.I. indicating me in the Lata rape and murder case in Bombay. Government stationery was used for sending the press release to the papers. The C.B.I. has instituted an enquiry into the matter as to who is behind this forgery.

In view of all this, most Bohras privately maintain that it is very difficult to fight the mafia like organization of the Bohra priesthood. It can get away with most heinous crimes due to phenomenal wealth and enormous power they wield. Naturally, such a well-grounded belief has paralysed the entire community with fear. One must also bear in mind that the Bohras are a community of petty traders and petty traders are generally more submissive as compared to others. This is exploited to the maximum by the priesthood. The priesthood has most systematically organised machinery for this purpose. It has also devised very well planned information flow and feedback system. It is interesting to note that once late Mr. Jyotirmoy Bosu who used to contest election for parliament from the Diamond Harbour Constituency of Calcutta—and Calcutta has a sizeable population of the Bohras and second centrer after Bombay whereto financial resources are diverted by the priestly establishment—told me your high priest is the most scientifically organized Mulla I have

ever come across. No Muslim Mulla can match his organizational capabilities. And Jyotirmoy Bosu was absolutely right.

One must give the Bohra high priest his due by admiring his ingenious ways of collecting money. Any developing economy has its own quota of *neo-rich* who want social recognition. In a highly closed and centralised system such a recognition can be legitimately assured only by the authority in control of the system. The Bohra high priest has devised number of ways—among them dispensing high sounding Arabic titles like *al Nashit fi khidmatit Dawah* (N.K.D.), *Al Moin fi Khidmatit Dawah* (M.K.D.) etc., to ensure recognition within the community. Lakhs of rupees are charged—needless to say all in black—to award these titles. The amount charged ranges from two lakh fifty two thousand to five lakhs fiftytwo thousands. Also, under the pretext of expanding mosques, renovating mausoleums, etc.—one or the other project is always on—millions of rupees are collected from the rich, not so rich and even from poor Bohras.

Such donations are demanded usually on the occasion of death and marriage. The fear of refusal of permission makes people pay and thus unceasing flow to the Syedna's coffers is ensured. Certain taxes are collected with such severity that even the poorest have to beg and pay. When the poor show their inability to pay they are told by the heartless priest "it's due to you, go and beg and pay up." One poor Bohra woman Marmoonabai from Raipur who had lost her job as a cook had to obtain a loan to pay the high priest's 'dues'. There are several such instances. There are thousands of Bohra families living in most miserable conditions in various slums of Bombay. The priestly establishment has done nothing to alleviate the misery of these sulum dwellers although, as pointed out above, he collects millions of rupees from the Bohras. Also, the priesthood has taken control of hundreds of charitable properties—many of them specifically donated for housing for the poor—and converted them into commercial use creating one or the other legal fiction. No one from amongst the Bohras dares to question them due to fear of social boycott.

A systematic campaign also goes on brainwashing the people into total submission to ease the blows of terror. *Halqa* (study circle) are regularly held for this purpose quite regularly. It is

impressed upon the participants in these study circles that the enemies of *Da'i* (the high priest) are the enemies of Allah and they would be consigned to hell. They are product of sexual union during menstruation (*haizi pilla*) and are illegitimate children of their parents (*nutfai haram*.) It is also impressed upon them that they must surrender to the absolute authority of *Da'i* to ensure their 'salvation'. Any contact with the enemies of *Da'i* would consign them to hell. In all the communications sent on behalf of the *Da'i* he is described as *Aqa Mawla* i.e. our Lord and Master. On the other hand, the follower addressing any communication to him must describe himself as 'slave' of Syedna (*'abde Syedna*). If one does'nt he will be punished through social boycott.

These are entirely un-Islamic practices. There is no concept of priesthood in Islam, neither of any human mediator. Also, Islam is most egalitarian religion and believes in equality of human beings. "Only one who is most pious", declares the holy Quran, "is nearest to God." The Bohra high priest, in open contravention of the precepts of the Quran, is carefully cultivating a culture of slavery and total submission. The Quran calls upon people to think, to brood and to make use of reason and often addresses its readers as *ya Ulil Albab* i.e. 'O People of reason' and the Bohra high priest demands from his followers blind submission, any attempt to question his authority resulting in ostracism.

It is no exaggeration to say that the Bohras are living in terror and the Government not only does not come to their rescue to stop this gross misuse of religion but seems to be encouraging it by associating itself with the priesthood on various occasions. Recently, despite strong pleas of the reformists, the President of India visited the mausoleum of the father of the present high priest located near Bhindi Bazar in Bombay. This is most unfortunate. Needless to say, powerful vested interests in the society are allied with each other and we are quite clear in our mind that the fight for reforms in the Bohra community cannot be fought in isolation. The reformist Bohras have allied themselves with all the progressive and secular forces in the country, the forces which are fighting for meaningful social change.

## INDIAN MUSLIMS : PROBLEMS OF MODERNISATION & IDENTITY

Muslims in India are an important segment of Indian population and their socio-economic as well as cultural problems are closely linked, along with other segments, with the general development of Indian society. Muslims in India constitute around 11.2% of the Indian population according to the 1971 census report. The scheduled castes and tribes constitute around 21% of the Indian population.

In view of these vast segments of Indian population which are relatively backward, India cannot make any meaningful progress without improving the lot of these segments. Here in this article, we propose to deal with Muslims alone.

One cannot deny that minorities in a democratic society, generally face certain problems imagined or real. Of course, we are not referring here to a rich and exploiting minority belonging to the ruling class. On the contrary, we are referring to religious or linguistic minorities which belong to the ranks of the exploited in the society. One can hardly deny that the Muslims in India belong to the latter category of minorities.

Although the Muslims do not suffer from any social stigma as those belonging to the scheduled castes do, yet economically speaking their lot is no better than that of those outcasts of the Hindu society. If one sees this in the background of the fact that a class of Muslims was once ruling in India, it appears to be more

depressing, at least to the Muslims. The ruling Muslim class belonged to the feudal nobility and along with the decline of feudal system in India lost their socio-economic power. Historically speaking, the Muslims did not develop any entrepreneurial class. During the British regime too, when the Muslim political power had vanished from India, the upper class among the Muslims belonged to various categories of feudal nobility like Taluquardars, Zamindars, 'Nawabs and their hangers on etc. Out of the disintegration of this feudal class, unlike among the Hindus, a new entrepreneurial class given to development of modern industrial enterprises did not emerge among the Muslims. There are only a few numerically small mercantile communities like the Khojas, Memons, Bohras, etc. along the west coast. The total population of these communities did not exceed  $1\frac{1}{2}$  million. Moreover, these communities too, remain essentially petty business communities. Of course, in Pakistan some of the major industrial houses belonged to these communities but in India due to the formidable power of the industrial houses belonging to the majority community, they could not develop on modern capitalist lines.

The scions of Taluquardars and big Jagirdars who had taken to western education joined civil, military, police services and most of them migrated to Pakistan after the partition, thus leaving an intellectual vacuum which has still not been adequately filled up. The Muslims who remained in India, and overwhelming majority of them belonged to the categories of poor peasantry (most of whom happened to be either small peasants or landless labourers), small artisans in urban areas (most of whom except the weavers in a few centres are unorganised), and elements of lumpen proletariat like petty hawkers, coolies, tongawallas, casual workers doing odd jobs like plumbing, painting, digging etc. Needless to say, these Muslims are economically very backward and as a consequence of it the rate of illiteracy is very high. Only a tiny section among the Muslims can afford higher education.

Thus, it will be seen that the Muslims in India are far from developing modern economic base which is so essential if modern reforms are to be brought about. We will deal with this question in a little more detail later. Here I am not trying to ignore the fact that Muslims are an organic part of the living entity that is India and as such they cannot remain immune to the changes

taking place in the living entity. So, before we venture our opinion about the desirability of modern reforms and renaissance among the Indian Muslims we will have to say something about the renaissance in India as a whole. Has there been renaissance in India after the introduction of modern European thought along with British rule in our country ? I do not want to dwell on this question at length in this article as it is not our subject matter. Here, a few words would suffice.

First, the essence of renaissance is humanism and the essence of humanism is freedom of conscience, freedom to choose and act according to one's choice without any compulsion to obey an alien authority including God. In short, humanism recognises man's right to self determination, it considers man as an end in himself. If this criterion is applied, I am afraid, the answer to our question, whether renaissance has taken place in India, may not be very encouraging. An overwhelming majority in our country is bound by highly inflexible traditions, obsessed with rituals as laid down in the sacred scriptures (of whatever denomination) and refuses to accept modern values both instrumental as well as fundamental. Casteism, as the recent riots in Marathwada and other places decisively prove, continues to be a grim reality and it is very negation of humanism.

What is most painful is the fact that even the University students are deeply imbued with these obscurantist ideas. A survey of students moral, religious, and social propensities conducted in the Bombay University Colleges in 1975 showed that only 1% students described themselves as atheists. Thus, we see that humanism, in the sense defined above, has hardly struck roots among the educated youth. They still accept scriptural authority and continue to deny themselves the right to choose according to their own conscience. If this is the case with the University of Bombay, the foremost institution of learning in a highly developed urban complex, one can imagine the fate of students from other backward areas.

Our modernisation is still confined to a very narrow circle of elites. The masses are yet untouched by it. The new morality has not enamoured the common people. James Joll writing about Gramsci says: "When we succeed in introducing a new morality

in confirmity with a new conception of the world we end up by introducing that conception of the world too"; so that an entire reform of philosophy is brought about. However, we are far from introducing a new conception of the world. Anything new is put in a new space time frame, in a mundane history, not merely in the form of an idea. To use Bakunin's words we have to create "not only ideas but also the facts of the future." The facts of the future are founded on the concrete history of today, the social praxis for tomorrow. Among the Indian Muslims, today, as pointed out above, even the circle of the elite, as pointed out above is very narrow for the reasons already explained. Indian Muslims neither have a modern entrepreneurial class nor an organised working class nor a strong middle class base. Thus, they totally lack the essential base for carrying out the modern reforms. No analysis ignoring the base can lead to proper conclusion. Marx has pointed out that the real movement of society is movement *in* its base and not merely *on* its base and, the movement *in* the base of our society, as far as the masses are concerned, and much more so as far as the Muslim masses are concerned, has not been such as to transform its fundamental character and hence the continuing grip of past on our present.

Mr. A.B. Shah, it appears, condemns any attempt to take concrete historical situation into consideration for understanding the phenomenon such as the persistent influence of past on the Muslim masses as vulgar Marxism. It is for this reason that while commenting on some of the observations of Professor Rasheeduddin Khan in his write-up 'Minority segment in Indian polity—a comment' Professor A.B. Shah writes : "It is the group identity of the Muslims, defined almost *exclusively in terms of religion*, (emphasis mine), which has kept them at what Rasheeduddin Khan calls, with some exaggeration, 'the lowest rung of the ladder' in terms of socio-economic development: the Muslims are backward in terms of almost all categories of development but the scheduled castes and scheduled tribes who constitute respectfully 15 and 7 percent of the total population of India, have been more backward. However, the cases of backwardness are different in the two cases. The scheduled castes and scheduled tribes are mainly the victims of traditional Hindu religions and of exploitations at the hands of the non tribal people. The Muslims

on the other hand, are backward mainly because they refuse to shake off the cultural heritage and identify themselves with the rest of the nation".<sup>1</sup> (Economic and Political Weekly Nov. 18, 1978, pp. 1911.)

This is the typical position most of the non-Marxist intellectuals who talk of modernisation in an abstract way divorced from the concrete historical situation. They fail to understand that unless there is change *in* the social base there cannot be any change in the super structure. This is not to deny the tenacity of the religious influence on one's behaviour. Max Webber, the wellknown German sociologist, correctly maintained that man's economic system itself may be governed by their systems or beliefs, just as at a given moment systems of belief may be governed by the economic system. Thus, according to Max Webber, systems of belief and economic system mutually influence each other. It must also be noted with due emphasis that Max Webber's above postulate is more true for revealed religions like Christianity or Islam (Webber had the Christian Society of Europe in mind while propounding his hypothesis) than the non-dogmatic religions like Hinduism.

In this sense, one can say that the Muslims are influenced by their religion but, it would not be correct to maintain as Mr. Shah does, that the *resistance to change* among the Muslims is only due to religious factor. This resistance to change is as much on account of the economic backwardness of the Muslims. It is really surprising that Mr. Shah, completely oblivious of the concrete realities, goes to the extent of saying,....."but it is to be noted that the community which refused to equip itself with the knowledge of skills required in the modern world cannot register significant progress in any field of life. For instance according to Basheer Ahmed Syed, a former judge in the Madras high court, the incidence of literacy among the Muslim males in India in 1971 was about 10% and that among the Muslim females only about 0.5%. Most of these persons would have studied in Madrasas and dropped out after a few years of elementary education. Very few of them go to college even today and still fewer study science which is precondition for entry into professional colleges." (Ibid page 1911). Mr. Shah forgets that such a deplorably low percentage of literacy among Muslims is mainly

on account of poverty and economic backwardness. Mr. Shah's comments would have been more relevant for 19th century Muslims in India. Today Muslims are not opposed to the idea of modern education. The high rate of drop outs, borne out by a number of field studies is very high among poorer sections of the society. Religion is hardly a barrier as far as modern education is concerned. Comparatively, the lower rate of literacy among Muslim women may be ascribed to some extent to conservative outlook but conservatism again is reinforced by material and economic backwardness. Mr. Shah should also note that conservatism itself is more of a social phenomena than a religious phenomena. It is not very rare to find more enlightened followers of the same religion interpreting it in a way conducive to encourage modernisation. If Islam is a positive hindrance, no believing Muslim would ever advocate any change or reinterpretation of Islam for ushering any modern change. But this is not borne out by the facts. Mr. Shah would agree with me, as any other man of robust common sense would that Muslim masses are certainly not responsible, not at least directly, for their abysmal poverty. Though Mr. Shah may not agree with me, I maintain that lack of modern scientific education among the Muslims is not so much on account of their "crippling cultural heritage and identity" as on account of their poverty. If public service commissions in the States and in the Centre could not find suitable Muslim candidates, to a great extent it may be because of the fact that very few Muslims have adequate professional qualifications. But it is not so because *Muslims are Muslims*, it is because they are comparatively poor and cannot afford college and university education. I do not advocate reservation of jobs for Muslims but I feel something has got to be done to improve their economic status in general. Conservative Muslim leadership is certainly guilty of neglecting the socio-economic problems of Indian Muslims and play in up chauvenistic issues like Muslim personal law, character of the Aligarh Muslim University, status of Urdu etc.

Mr. Shah raises an important question when he asks "is all cultural assimilation unjust and be condemned?" then he goes on to say, if one believes in a modern secular and humane society, should not one, on the contrary, seek to promote the development

of a culture appropriate to such a society. Should one insist on harping on the past—which in India—is one of conflict and division and to manifest culture and religion to the exclusion of other dimension of any other group identity ?”<sup>3</sup> (Ibid pg 1912)

Certainly, no one except a few belonging to the lunatic fringe would denounce cultural assimilation as totally unjust. Islam would not have spread in India without cultural assimilation and without adopting native customs. Even the most orthodox Mulla, let alone the vast masses of Muslims, is a product of the Indo—Islamic culture. But this is not to say that Muslims do not have any fear of cultural assimilation. One need not be alarmed by this fact. Minorities everywhere are known to suffer from such a fear. It should be condemned only when it assumes certain undesirable chauvenistic and aggressive forms. The concept of a distinct identity is not altogether alien to a democratic society, in fact it is the very spirit of it. The concept of identity and the intensity of feelings around it is by no means something fixed.

Mr. Balraj Puri rightly maintains in *Autonomy and Participation Dimensions of Indian Muslim Identity* “intensity of Muslim identification with national sentiments can thus vary with time and issue. The variation is always on communal lines. The emotional reaction to the emergence of Bangladesh was, for instance, far more intense in West Bengal than elsewhere in the country. The emotional involvement of the people in issues such as Tibet, Kashmir, Vietnam and Czechoslovakia was also not uniform among all regions and parties of India.” Thus, we see that there cannot be any fixed concept of strictly Islamic identity. The Muslim identity is as much linked with regional and cultural factors as with their religion, Islam. It would be wrong to underestimate the regional and cultural factors in understanding the idea which the Muslims have of their identity. The bond of Islam may not be “tenuous” as maintained by Professor Rasheeduddin Khan and strongly objected to by Mr. Shah but it is certainly not so strong as to survive aggravation of regional and cultural crisis. In this respect Mr. Balraj Puri has rightly pointed out “Muslim Bengal asserted its Muslim personality in 1947 against its co-linguistic Hindu neighbours. 24 years later, it asserted its regional personality also, through the revolt against its co religionist West

Pakistanis but 1971 did not contradict 1947 later. Emergence of Bangladesh, above all, demonstrated that a Bengali Muslim was a Bengali as well as a Muslim. In the case of Kashmir also the process covered two stages, although in reverse order. Kashmir asserted its regional personality in 1947 against the threat of its co-religionist neighbours in Pakistan. Later its Muslim character precipitated its commotional alienation from the rest of India till it recovered its place through the accord of 1975. Kashmir Muslims have also said that they are "Kashmiris as well as Muslims". Further Mr. Puri rightly comments "regional—cultural—linguistic urges are thus as vital, for Muslims as for any other community. In fact, the sense of 'identity of Muslims'—as distinct from 'Muslim identity' would remain incomplete if these urges are not satisfied."

Challenging Professor Rasheeduddin Khan's proposition Professor Shah says ".....in less than 7 years after the liberation of Bangladesh which would have been impossible but by military and political assistance from India the dominant mood among the Muslims of Bangladesh is more pro-Pakistani than pro-Indian. The Indians may be 'friends'.....but the Pakistanis are 'brothers'. As usual Professor Shah takes very superficial view of such complex matters and resorts to abstract ideas totally divorced from concrete situations. No serious student of politics in Bangladesh would approve of Professor Shah's observations and conclude that for the Bangladeshi Muslims, Pakistan means [much more than India. In fact, taking advantage of unscrupulous exploitation by certain Indian business men, the rightist forces in Bangladesh symbolized by the present military dictator President Zia, who were out to undo the peoples Liberation Movement tried to give pro-Pakistani turn to politics in Bangladesh. But now the people got soon disillusioned in the emerging mood and Bangladesh is again taking different turn. The fact is that in times of acute political and economic crisis the vested interests raised slogans like 'Islamic solidarity,' 'Islamic brotherhood' etc. and may succeed temporarily in their designs. But, for Professor Shah such matters are too mundane to be taken into account. In my opinion it is not wrong to maintain that in certain grave situations the Islamic bond although strongly emphasized by the exploiting and ruling classes, proves quite tenuous as Professor Rasheeduddin Khan rightly maintains.

A student of international politics knows very well the fate suffered by Pan-Islamism by Jamal-ud-Din Afghani. It was ultimately the concept of the modern nationalism which asserted itself as the socio-economic forces are working that way. Despite repeated attempts by certain nations in the Islamic world who play imperialist game willingly to revive medieval ideas have not achieved much in that direction. In the late fifties President Nasser had brusquely set aside the suggestion of asserting Islamic brotherhood made by a ruler of the Saudi Arabia and reiterated the concept of Arab nationalism.

In countries like India where Muslims are in minority, the situation is qualitatively different and they may justifiably entertain the fear of being subordinated to the dominant culture especially when a section of the majority community, however small, aggressively asserts the predominance of a majority culture. It cannot also be denied that such fears are, at times, fortuitously aggravated by opportunist Muslim leaders. Quite often it has happened and may continue to happen but just because of this one cannot overlook certain genuine grievances of the Muslims. I, therefore, fully agree with Mr. Balraj Puri when he says "if there are political issues which affect emotions and interests of Muslims as Muslims, their leaders, irrespective of their party affiliations should not feel inhibited in meeting and discussing them and, if need be, resorting to appropriate form} of political action. But in that case also, co-operation and consultation with sympathetic leaders of other communities would be more useful and effective than any activity at communal level."

Another important problem which is in a way linked up with the problem of identity is that of modernisation and certain inevitable changes in the personal law. I, for one, hold that the concept of identity could not be fixed and static, it should be dynamic, creative and assimilative. But, as pointed out earlier, the vast majority of the Muslim masses live in conditions of abysmal poverty and ignorance. For them survival for existence is the only end that matters. No law, much less any change therein makes any sense to them.

When Kamal Pasha imposed social reforms in Turkey, it had become a social desideratum as the Turkish society was poised for a social transformation. The Turkey was close to Europe and shared many traditions with it and by the 2nd decade of our

century had produced a class which was equipped with the future vision of a modern Turkey. Moreover, in the first world war the imperial structure of the Ottomans was in shambles and a new democratic Turkey was emerging. With these profound changes in the social base, the old superstructure could not have continued. Thus, it was a movement in the base of the society, not on its base, to use Marx's words again.

This becomes more clear when we take the case of Afghanistan. King Amanullah was a man of modern vision. He tried to introduce modern reforms in the late twenties in Afghanistan abolishing purdah, encouraging women's education and social emancipation. Amanullah, as a result, had to face rebellion of mullahs and the tribal chiefs and had to abandon his modernisation programme. Why? The Afghan society had not emerged from medieval age. There was no industrialisation, capitalist relations of production were not even in the process of hatching. There was no political democracy. It was only an idea of—if I can say so—a benevolent monarch and lacked the necessary social base to become fact of future.

In India too, if socio-economic conditions of the Muslims do not improve, modern reforms, I am afraid, would not strike roots. If the Muslims in India or anywhere in the world for that matter ever achieve economic status which the Christians have achieved in the western countries the Islamic laws would be observed more in breach than in practice. The Church has not admitted many changes as yet but the western Christians are hardly bothered about injunctions of the Church. France, where the contraceptives are banned, is the most permissive society and the French Catholics use contraceptives without any pang of conscience. The behaviour of Muslims in such a situation would be no different, the religion of Islam may or may not accommodate a changed situation. In the past also the behaviour of Muslims bears witness to this. Though interest has been banned by Islam, the merchant communities among the Muslims have always given and taken interest without any sense of guilt. Maxim Robinson, a French Islamicist, has provided extensive documentary evidence for this from many Arab countries in his book, "Islam and capitalism." Religion, no doubt is an autonomous force but its followers do not remain immune to equally strong and tenacious socio-economic forces. We would only cloud our understanding if we ignore this reality.

## IMPACT OF SOCIO-ECONOMIC CHANGES IN INDIA ON MUSLIMS

Socio-economic changes in turn, all sociologists would agree, bring about changes in different degrees, of course, in other walks of life. The Marxist sociologists find a direct although complex causal link between the changes in the forces of production and the superstructure. Of course, in establishing any such link one should not fail to take cognizance of the certain religious institutions, traditions, etc. An eminent Marxist thinker of Italy, A. Labriola has rightly pointed out :

“The underlying economic structure, which determines all the rest, is not a simple mechanism, from which institutions, laws, customs, thoughts, sentiments, ideologies emerge as automatic and mechanical effects. Between this underlying structure and all the rest, there is a complicated, often subtle and tortuous, process of derivation and mediation, which may not always be discoverable.”

When we examine the impact of socio-economic changes in India on Muslims, needless to say, we will have to bear this rather tortuous and often undiscoverable relationship between the two. This is a necessary rider as many scholars maintain that the Muslims are far more resistant to the process of change and modernization as compared to the other sections of the Indian society. Apart from the tortuous and mediating process in the formation of institutions and ideologies corresponding to certain state of

production forces and production relations there are also some other important factors which need to be taken into account. One of these factors is stern opposition by the traditional intellectuals to any change and it so happens as these traditional intellectuals (to borrow Gramsci's term) largely depend on the older mode of production or those strata of the society which depend on that mode of production. In case of Indian Muslims the traditional intellectuals happen to be, ulama or traditional theologians.

Another important factor to be borne in mind is the pressure for change or modernization. This pressure is primarily generated by the changes in production relations or in other words changes in economic structure of the society. These changes, it is important to note, in a developing country like India are highly uneven and affect in different degrees the different strata of the society. In the socio-economic development of the Indian society Muslims and Harijans, for example, have been least affected thus restricting their social mobility to a very narrow section of their communities. These theoretical clarifications were Indian Muslims.

The Muslim leadership, before the partition, was in the hands of feudal elements. The impact of British rule was very much different on Indian Muslims. After the initial policy of repression towards Muslims the Britishers began to pamper and consolidate the feudal class among the Muslims in their own interest. Thus, the feudal institutions among the Muslims, instead of loosening, began to emerge stronger. Among the Hindus, on the other hand, with the advent of the British rule, a new capitalist class began to emerge consolidating its hold on Indian economy. By 1945 this capitalist class had formulated its own plan called the Bombay Plan in the event of Britishers leaving India for the development of Indian economy. The Muslim community in India failed, by and large, to produce any worthwhile modern capitalist class and this is a cardinal fact for understanding the course of Muslim politics in Indian sub-continent.

With the partition even those sections of Indian Muslims left for Pakistan who had some potential for developing into modern or industrial capitalists. Most of them belonged to the business communities like Cuchi-Memons, Khojas and Bohras. They, along with some Punjabi Muslims dominate the Pakistani economy today. The Muslims left in India were extremely backward and

poor. They were either poor cultivators, small land holders and landless labourers in rural areas and traditional artisans, workers mostly in small unorganised sectors, hawkers petty traders and tonga, a rickshaw and taxi drivers in urban areas. The erstwhile feudal class which remained in India suffered tremendous economic blow due to abolition of feudal system in free India. This class could not recover from the blow until today. Those who have seen the plight of this class in Hyderabad in the south and in and around Lucknow in the north, can bear witness to this fact.

In the pre-partition days the scions of Zamindar families used to go for higher education and, consequently, the top administrative posts in the British administration. With these families, either having migrated to Pakistan or having been ruined due to abolition of Zamindari, the rate of modern education declined very fast among the Indian Muslims. The poorer agricultural classes in the rural and artisan and other lumpen classes neither could afford nor felt any need for sending their children for modern education. Thus, it became a vicious circle for the Muslim communities in India. Their backwardness retarded the pace of education and lack of education perpetrated their backwardness.

The capitalist development in backward countries accentuates class differences and such differences, if already in existence, gets further accentuated during the course of development. The Muslims and Harijans, thus, were doubly victimised by the slow capitalist growth in India. They were already backward and their backwardness was further reinforced. Further, both Harijans as well as Muslims, were also victims of socio-religious prejudices affecting their upward social mobility to a considerable extent. Victims of such prejudice, specially in the absence of much needed sense of socio-economic security, tend to compensate themselves psychologically by developing a greater sense of communal solidarity. In such a situation even mutual sectarian differences tend to be de-emphasised, if not forgotten altogether (the Shia-Sunni differences in Lucknow fall in a different category due to their own politics and long history of conflict). This communal solidarity and sharpened sense of separate communal identity tends to aggravate prejudice against the majority which community which often results in the form of breaking of communal violence.

The need for social change and modernisation is felt most acutely by the middle and upper classes, not only due to change in outlook but also on account of its functional need by these classes. It is socio-economic development which brings these classes into existence and creates pressures for change and modernisation. Due to the reasons, pointed out above, there has been historical lag in development of these classes and subsequent pressure for change among the Muslims in India. Modernisation imposed from above without adequate pressures for appreciation of new values often tends to boomerang and generate strong reaction against the reform. The success of the fundamentalist movement in some Islamic countries can be partially, explained in the light of this.

However, the role of other factors cannot be ignored in this connection. The traditional leadership wields great deal of influence on lower middle-classes and masses of people below them. This leadership draws its sustenance from these classes and thus acquires vested interest in defending the old and traditional institution even if their functional utility may have been reduced. Any talk of change brings about a strong reaction from traditional leadership precisely because it threatens their leadership which depends on the survival of these institutions, traditions and customs. The traditional Bazaar elements in Iran (clustered around mosques and carrying on traditional business dependent on handicraft and other local commodities produced in traditional sector) have been the greatest supporters of Khomeini alongwith the peasantry.

Some recent developments must also be taken into account to understand their impact of the Muslim politics in India. New opportunities have opened up for a section of Muslims for economic prosperity due to oil revolution in the Arab countries of the Middle East both by way of increased trade as well as lucrative employment. Also, on account of bank nationalisation in the late sixties many Muslims have been able to obtain loans and start their own business or expand the ones they are already having. These Muslim businessmen have specially benefited through expansion of handloom cloth, leather and leather manufactures (excluding footwear), art silk fabrics, footwear and handicrafts exports. The export business in these items has shot up from

395.3 crores in 1970-71 to 2456.3 crores in 1979-80. Certainly, it is a satisfactory growth although in major and medium scale industries Muslims have not been able to make any dent. Moreover, the traditional business communities among Muslims like Cutchchi Memons, Bohras and Khojas whose combined population is around 2.5 millions have also benefited by the expanding business due to increased industrialisation.

This new found prosperity among a small section of Indian Muslims have generated quite a few problems also. A section of Hindu business communities see in these Muslims a potential competitor threatening their traditional monopoly over Godhra business. In number of medium sized towns like Moradabad, Bihar Sharif, Aligarh, Bhiwandi and several such other places, this sense of rivalry has led to communal violence of increased degree of communal tension. An attempt is made, through planned communal violence, to destroy the potential or actual competitor from the arena of the the business, Along with these competitors, many times more non-competitors suffer heavy losses both of life and properties. The gap between the two communities thus, keeps on widening.

There is yet one more aspect of this phenomenon. The growing prosperity among this section of Muslims has led to develop political aspirations and other ambitions. The section of Muslims becoming prosperous does not belong to the traditional feudal class which was highly cultured and had a more balanced secular outlook due to deep influences of composite culture. This section has emerged from highly tradition bound lower middle classes. It spends quite a substantial part of its surplus income on religious activities like building mosques, mausoleums and mad-rasas or to equip them with better facilities like modern gadgets etc. This causes dismay among the Hindus who look upon it as increased enthusiasm for Islamic fundamentalism and religious fanaticism. This section of Muslims, traditional as it is in its outlook, tries to appeal to the religious sentiments of Muslims for its political ends. Thus, the Muslim politics gets injected with rather greater degree of traditionalism.

A recent spurt of conversions to Islam has added another dimension areas which have brought more awareness among Harijans of their rights as human beings. A small section of

Harijans have also benefited from such schemes and acquired higher degree of education and now demand, with ever greater assertion, their rights as equal citizens granted to them by the Indian constitution. When they are frustrated in these efforts due to arrogant and caste oriented attitude of the caste Hindus, they find other solutions like converting themselves to Islam or Christianity. Such conversions serve two purposes : 1) It gives them a psychological sense of human dignity which they are naturally thirsting for. Islam is a highly egalitarian religion although Indian Islam is less so on account of different cultural milieu and hence acts like a magnet to attract Harijans. 2) Secondly by converting themselves to Islam a religion very much detested by the communal and caste Hindus—they have a sense of spitting the caste Hindus by cutting their nose. The Hindus perceive it as a threat to their religion and a fast spreading influence of Islamic fundamentalism. To counter this threat some communal Hindus started a Jana Jagran campaign with high communal tone and the same resulted in a number of communal riots in different parts of India—specially in Tamilnadu, Gujarat, Maharashtra and Bihar.

Thus, we see that the socio-economic developments, due to its uneven course, instead of leading to progressive and liberal outlook has thrown up a number of new complex problems which are worth studying in depth for social scientists. Objective and penetrating studies are still lacking.

## THE QUESTION OF IDENTITY AND NATIONAL INTEGRATION

Generally, we talk of national integration in an emotional way leaving out many vital issues with the that result that the talk of integration remains a mere cliché. The politicians have, in fact, reduced it to a mere cliché. The Indian intellectuals, what is equally sad to note, have done no better in this respect. It is, therefore, necessary to closely examine these pertinent issues. However, in this short paper, it would be possible to do so only cursorily. To examine them in detail, in fact, would require a book-length treatment.

The first and foremost question is what is exactly implied by the concept "integration"? Whenever a major caste or communal riot breaks out our leaders often lament, as a cliché of course, about the lack of national integration. The concept remains at the level of articulation, as vague as ever. In other words, it has emerged as another national ritual to be performed at an appropriate time.

While the politicians leave it vague either for lack of clarity on their part or for other reasons best known to them, the lesser mortals who are often communal without being conscious of it, define it in their own terms. It is interesting to note that this definition, like any tautology, is offered in terms of another cliché or equally vague term : national mainstream. Integration can be brought about, according to this view point, only if all the minorities join the national mainstream.

The important question then is: What is national mainstream? National mainstream is often attempted to be defined apparently in terms of national culture which is, more often than not, an emphasis for Hindu culture. No one should have anything against Hindu culture which is very rich and complex and variegated in thought and emotion but the question is: are there no powerful psycho-social barriers towards its acceptance, for various reasons, not to be analysed here, on the part of minorities and it is these barriers which give rise to the problem of emotional integration. Thus, by defining national integration in terms of national mainstream which is implied to be Hindu in its religio-cultural ethos, do we not come back to the square No.1? It is, therefore, highly necessary to clearly distinguish between assimilation and integration. Integration in terms of assimilation would aggravate the problem rather than bringing it nearer the solution.

If integration cannot take place in terms of assimilation the question of identity assumes cardinal importance. The problem of minority conflict is not typically Indian. It is a universal phenomenon. Blacks in America, Kurds in Iraq-Iran belt, Baluchis and Sindhis in Pakistan, Philipino Muslims in Philippines, Indians in Malaya, Copts in Egypt are in minorities and face problems to a lesser or greater degree depending on the concrete situation.

Everywhere the question of separate identity continues to agitate minorities. It has been universally observed that minorities resist any attempt at cultural assimilation. Even where religion is the same as for example in case of Baluchis and Kurds in Pakistan and Iraq on one hand and, the Blacks of America on the other (except in case of a small section of Black Muslims), attempts at assimilative integration have miserably failed. Where religion also differs, intensity of feeling will be naturally much more, if assimilation is attempted as our own experience in India shows.

A sense of separate identity-either religio-cultural or purely cultural will have to be allowed to prevail among the minorities in order to avoid unnecessary tensions. Religio-cultural, cultural or ethnic identity is an important category to be cautiously dealt with by the modern democratic polity in order to avoid social tensions and conflicts. However, it is easier said than done. It is much more so in a developing country like India. The

process of development and modernization raises the problem of identity on two levels namely psychological and ideological and material economic level.

Needless to say, the psychological complex called identity is formed in a certain religio-cultural milieu itself a product of complex material forces operating in the society. The process of development and modernisation initiates far reaching changes in the society profoundly affecting a community's sense of identity. Moreover, the modernization and technologization process acts as a leveller further threatening communitarian distinctions. This threat to identity is felt more acutely by those castes and communities who had been dominant in the past and is welcomed by those who had been dominated and subservient. Needless to say those who had been dominant resist the change more fiercely.

This phenomenon can be observed in all its intensity in the changing caste and communal relationship. In the development process the lower and backward castes acquire a new sense of identity which brings them, notionally at least, closer to the higher castes in social status. The later, therefore, profoundly resent this and try to hit back, at times ferociously, giving rise to acute-caste tensions or even caste-violence. In the Marathwada caste riot it was observed in a field study that the upper castes deeply resented the fact that Mahars had acquired higher social status.

In case of Muslim elites, the phenomenon is little different, although essentially the same. The dominant elite among them was left high and dry in India after the partition. The power vacuum created for them was sudden and bewildering. A strong religio-cultural sense of identity was the only compensating factor. The question of identity has, therefore, acquired a very profound implications as far as the dominant sections of Muslims are concerned. This is all the more so as the process of development and change has not brought about much change in their social status and class-orientation. Their outlook, therefore, remains feudal and stagnant rather than vibrant and dynamic. Their sense of identity is closed one. Also, it must be borne in mind that in terms of social dynamics, development and change, if it threatens someone's traditional security without compensating in a new way, it would lead to clinging to the past with intensity proportional to the degree of economic and material threat. Change is welcomed

by those who benefit from it. We should note here that the baggage of identity includes the entire religious or ideological paraphernalia.

There is another level at which also the sense of identity plays an important role : economic-material level. In a developing country with a democratic structure of polity and ballot-box oriented elective system, polarization around caste and communal groups pays rich dividends, if not, atleast succeeds in generating goading pressures. Caste and communal polarization, thus, becomes even sharper. The Muslims who have failed to get much material benefits, not at least proportional to their population, have by asserting their exclusive identity, bargained with the ruling politicians, whatever their ideological hue not to temper with their personal law. It will not be wrong to say that for all sections of Indian Muslims the question of Muslim personal law has become most important symbol of their identity. This is yet another proof of the fact that process of change, if instead of benefiting a certain section of population, threatens its security, reinforces past-oriented tendencies within it.

Thus, we see that in a society divided into various castes, communal and tribal groups, the process of capitalist development unleashes very complex forces which threaten to tear as under the fabric of the country in proportion to the degree of deprivation felt by them. Also, polarization along caste, communal or tribal lines profoundly affects the process of polarization along class lines and at times the interplay of caste communal and class forces create a virtual imbroglio completely baffling even the most astute social analysts. It is for this reason that no developing society in the third world today is free of ethnic or caste and communal tensions.

The caste and communal imbroglio in the country has given rise to a heated controversy in the left circles about the primacy of caste and class. A small section of the Indian left, not without reason of course, has begun to maintain that the caste factor, neglected so long by the Indian left, is going to play a very decisive role in Indian revolution. In other words, they stress the primacy of caste over class. It is difficult to accept this position although its underlying concern with the caste phenomenon cannot be ignored.

Class is a purely economic category reflecting relations of production, feudal, capitalist or otherwise. It, thus, belongs to the economic substratum of the society. The caste on the other hand, today at least, is religio-cultural phenomenon and belongs to superstructure. However, this superstructural phenomenon has, in the process of capitalist development, acquired an economic function as well and operates at the level of economic structure too. Thus, caste and class have got functionally inter-linked, although caste retains its religio-cultural autonomy as well on superstructural level. It is on account of this religio-cultural autonomy that caste cannot reduce to class and can develop classes within its own structure. There has developed an elite section within the scheduled castes although, as yet, it is difficult to categorise it as a separate class. At psychological level too, the caste phenomenon is so deep rooted that it constitutes its own dynamics in terms of caste hierarchy. The scheduled castes have their own hierarchy and this hierarchy within hierarchy creates further complication in terms of class which is purely economic category reflecting relations of production.

In other words, the question of caste, communal and tribal identities would, in the process of capitalist development in India, continue to pose serious problems in as much as polarization along these lines would continue to generate pressures for greater share of the economic resources which are scarce anyway. Caste and communal identities, in case of scheduled castes and minority communities like Muslims and Christians, have submerged class identities as these castes and communities have not developed sufficiently economically. This fact also adds to the confusion already prevailing on the Indian socio-economic scene.

Any suggestion to dilute these caste and communal identities in the present state of economic affairs in the country to bring about national integration is bound to meet with failure. Tension between these caste and communal groups would continue, often assuming dangerous proportions, as long as deeply felt economic grievances continue to remain embedded in our socio-economic structure. The ruling classes too are making greater and greater use of religion in their strategy to contain fast developing discontent among the Indian masses, while paying lip service to secularism.

The attempts to promote mutual understanding between the communities, re-writing of text-books at school levels, containing communal propaganda of any sort most vigorously and strict enforcement of law and order through honest and committed police officials can help in keeping the caste and communal conflicts, within manageable limits, but cannot eliminate it altogether. Tension and conflict is an integral part of the process of capitalist development specially when it is slow and discriminating.

## THE SITUATION OF INDIAN MUSLIMS TODAY

Muslims constitute an important minority group in the total population of India. The problems of our country cannot be understood in their totality without understanding the situation of this important segment of Indian population. When we talk of their situation, we imply both their material as well as intellectual situation, although the later, in senses more than one, depends very much on the later. The question of the situation of any community in a developing country with accompanying social changes is always very complex and bristles with difficulties and it is much more so in the case of the Muslim community which has been thought of sinning by some, and, greatly sinned against, by others. Whatever the truth — and truth always involves a point of view in as much as it has an ideological component also along with the empirical one — the question of Indian Muslims arouses passionate discussions on either side. One has, therefore, to tread ones path warily, in order to discuss this question with a semblance of rationality, if not completely devoid of passions.

In order to put this question in proper perspective it would be necessary to understand its background. On the intellectual plane what has disturbed the non-Muslims most is that attitude of Muslims which has been described as separatist. It is concomitant of this, it is argued, that the Muslims have not become an

integral part of the national mainstream. Needless to point out, there has been lack of clarity about the concept of national mainstream itself. But more of it later. As a backgrounder to this important question it must be clearly understood that the separatist movement (which ultimately led to the partition of the country) was led, *not by the Muslim clergy* but by the middle-class intelligentsia on the one hand, and, by a conglomeration of secular interests (feudal as well as mercantile with predominance of former) on the other. Middle-class intelligentsia led by Jinnah was, apart from the question of representation in services and sharing of political power, equally concerned with the question of religio-cultural identity.

Theodore Wright Jr. rightly points out "It was no accident that Jewish Zionism and the Pan-Islamic Khilafat as well as Pakistan movements arose almost simultaneously as reactions to majority nationalisms. For the most part they were led by modernists more interested in the identity, independence and welfare of Jews and Muslims respectively than *in orthodox religion*." (emphasis added). In view of this it would be oversimplification, if not naive, to trace the roots of separatism in religion, as is often sought to be done by a section of scholars. One must learn to distinguish here, as elsewhere, between appearance and reality. While appearance is deceptive, reality is quite complex. Those who trace Muslim separatism to their religion only without understanding the role of complex socio-economic factors as well as share in political power, not only cloud the issue but also hamper its solution. It is not for nothing that the party of Muslim clerics — *Jamiatul Ulama* — continued to support the nationalist Congress (Maulana Husain Ahmad Madani's polemics on the question of nationalism with the poet Dr. Iqbal are quite interesting in this respect).<sup>2</sup> Whereas the modernists led by Jinnah (either indifferent to or unacquainted with the religious lore) became the mainstay for the separatist movement resulting in the partition of the country.

The roots of separatism should be sought, as pointed out earlier, in the situational context, rather than in the religion of the community. Without this understanding we can hardly appreciate the difference between the role of the Muslim clergy during the independence struggle and that of the Muslim League. Since

we are discussing the question of separatism among the Muslims we should also understand and appreciate the difference between the nature of separatism before and after the partition. It is necessary to do so since the sins of the pre-partition period are still visited upon the present generation of the Muslims in as much as it becomes one of the causative factors of the communal riots taking place so frequently (more frequently than in sixties and seventies) even today.

There is qualitative difference between the separatism of the Muslims before partition and after partition. Whereas it was aggressive before partition it is more of withdrawal today from the main arena of struggle. There are various reasons for this. Before partition the Muslims in North India were dominant, though in minority. Their struggle for separatism was to maintain this dominance by asserting their religio-cultural identity (Here I am using the term *religio-cultural identity* and not *cultural identity* as in terms of cultural identity the ruling Hindu and Muslim elite had hardly any differences<sup>3</sup> and it is important difference to note).

Obviously, Muslim clerics could not have provided leadership in a struggle which was launched through the instrumentality of religio-cultural identity to mobilise the educated elite. Such a leadership could be provided either by the scions of feudal families who were educated mostly at the Aligarh Muslim University or by the middle-class intelligentsia. The Muslim League which drew its support from the sections of Muslims had its strongest base in the United Provinces for two reasons: (1) Muslims were a minority and the League leadership played up the fear, minorities are known to have, vis-a-vis majorities in political democracy. (2) Secondly, a section of Muslims in U.P. was dominant both economically as well as in civil and police services. The Muslim elite saw a threat to this domination and, therefore, had to wage struggle to retain this domination.<sup>4</sup> Muslim League, therefore, never became a mass party and remained a party of the Muslim elite. Also, the provinces where Muslims were in majority it could not become very strong as it was difficult to create minority phobia in those Muslim-majority provinces.

The 'Ulama, on the other hand, decried the process of secularization and emphasised religious identity and thus always

remained close to the poor and lower middle-class Muslims who were —and are— conservative and tradition-bound. According to Dr. Mushirul Hasan, “The establishment of Dar al-Ulum and the Nadwa signified an attempt to make Muslims aware of their Islamic identity, to maintain the charismatic or divinely instituted nature of the community, and to warn the government that the *ulama* would brook no intrusion in their special field of religious interpretation and instruction<sup>5</sup> (they do so even today). These *ulama* were not happy with the secularised outlook of the League leadership and its emphasis on religio-cultural identity (cultural component for them meant imbibing of local elements).

There was a qualitative difference in the Muslim situation after partition. A large section of the Muslim elite, especially from U.P., migrated to Pakistan leaving a great void. Economically too with the abolition of Jagirdari system the Muslims lost their domination. The poor Muslim masses did not have much of a chance to improve their prospects in Pakistan either and hence they stayed in India. What was worse, those who stayed back carried the stigma of having divided the country and harbouring extra-territorial loyalty. As Imtiaz Ahmad says: “Even years after the partition, the stereotype of the Indian Muslim as a Pakistani expatriate, a fifth columnist, or simply as someone whose basic loyalties lie outside the country persists and affects his life chances fundamentally ..... *In the initial stages* this was founded in empirical fact and there was some basis for its popularity in the behaviour, both overt and covert, of a large majority of Indian Muslims.”<sup>6</sup> (emphasis added)

Unfortunately, Indian Muslims even today have to live-down with this stigma and their sympathetic attitude towards Pakistan (Most of the north Indian Muslims have their close relatives in Pakistan) is construed as extra-territorial loyalty and not very infrequently is a causative factor in communal riots. The psychological fact that the new generation of Muslims born after partition does not feel as intensely for Pakistan as the earlier generation which fought for it. An empirical study conducted among the Dehra Dun Muslims clearly bears this out.<sup>7</sup> Not that one should deny the fact of this sympathy but important thing is to understand it in proper perspective. What is being referred to here is the changed situation of Muslims after partition. If before

partition Muslims were fighting for greater share in government services and political power leading to aggressive separatism, after partition they had to fight for their survival leading to passive separatism.

It would be wrong, as pointed out earlier, to ascribe Muslim separatism to their religion. No religion as such promotes separatism: it should be rather sought in the social situation. It would be interesting to quote what Ilya Ehrenburg, the noted Russian writer wrote on the Jewish question in 1948.<sup>8</sup> It has a close parallel with the Muslim situation today :

“Obscurantists have for ages past invented lies representing the Jews as a special kind of creature, unlike other human beings. They said that the Jews led a life apart, isolated from the rest of the community, not participating in the joys and sorrows of the people amongst whom they lived. The obscurantists claimed that the Jews felt no attachment to any country, that they were eternally rootless. The obscurantists stated that the Jews in every country were bound together by mysterious ties.....Yes, the Jews did lead a life apart, isolated from the community when they were forced to do so. The ghetto was not an invention of Jewish mystics but of Catholic, religious fanatics. In the days when a religious fog obscured men’s sight, there were fanatics among the Jews just as there were fanatics among Catholic, Protestant, Greek Orthodox and Muslim believers. But as soon as the gates of the ghetto were thrown open, and the fog of the medieval night lifted, the Jews of every country were absorbed into the common life of the peoples.”

As pointed out by Ilya Ehrenburg above, the Muslims in India, like the Jews in Europe earlier, cannot be blamed for the mental ghetto they are living in today. It is certainly not their own creation. They are, after all, rooted in a situation. The masses of Muslims live in degradation and misery; their plight certainly being no better than that of the scheduled castes in many respects. Each communal riot, resulting both in destruction of their lives and property, throws them back into their shells. With each such onslaught religious identity assumes more importance for them. Middle class which by virtue of its education normally

acts as an agent of secularisation, is quite weak among the Indian Muslims due to lack of education and economic opportunities.

It has been argued by some scholars that the Muslims are backward in education as their religion Islam discourages them from acquiring secular education : This, I am afraid, is far from true. One's outlook and interpretation of religion is determined—a sociologist of religion would readily agree—not by religion in its abstract ideological sense (what could be termed as scriptural or book view of religion) but by one's concrete socio-economic situation (what could be termed as pragmatic complex). It is a universal experience that among the poorer and more backward sections of population the percentage of literacy tends to be very low not only because of lack of material means but also because of lack of functional need for it among them. Unlike the intellectual workers of middle-class, for manual workers, labourers or artisans, education does not fulfil any immediate need and hence their lack of interest in it.

It would be interesting to note that a recent survey conducted by the Sardar Patel Institute of Economic and Social Research, Ahmedabad, bears out the fact that it is social milieu that encourages or discourages children for education. The survey shows that the drop-out rate among the slum-dweller Harijans is 56.98 per cent, 61.90 per cent among the Adivasis and 45.83 per cent for other communities at the primary level. At the college level, the percentages of education is no more than 2.86 and for technical education no more than one percent.<sup>9</sup> Mr. Gupta, in his empirical study of Dehra Dun Muslims referred to above says, "If educated males of all categories are lumped together, the Muslim middle class has the largest share of educated. Among the upper, middle and lower classes 56.0, 64.5 and 46 per cent males respectively are educated."<sup>10</sup>

Similar other field studies like the one by Krishna Dev Sharma in the Delhi Municipal Corporation area have also produced more or less similar results. Among other hypotheses tested and found valid by Krishna Dev Sharma is that the social economic and cultural conditions of the Muslim community tend to restrict the utilization of educational opportunities as compared with non-Muslims.<sup>11</sup> Intiaz Ahmad, pointing out that it is wrong

to assume that as an activity, education is desirable and should be equally appealing to all social classes, says:

“.....that education is likely to be exploited by those social strata that are oriented to employment in the professions and government service and that this social strata amongst the Muslims has not only been historically quite small but was further reduced in size following partition when a good number of its members went over to Pakistan in order to cash on the employment opportunities.....Therefore, the educational backwardness among the Muslims is due not so much to their religious fanaticism or their acute minority complex, but rather because of the small size of the social strata whose members can be expected to go in for education as a normal activity”.<sup>12</sup>

The urban population of Muslims in India (Muslim urban population is slightly higher compared to others) largely consists of artisans, rickshaw pullers, coolies, petty hawkers, workers (industrial workers are comparatively less among the Muslims) and others doing odd jobs. The middle class is weak, as pointed out and trading communities except in the west coast region are numerically very small. The west coast trading communities too are traditional petty traders (comparable in a way to the bazar merchants of Iran), product of old traditional society rather than modern industrial era and hence quite conservative in outlook. The Bohras, Khojas and Kutchi Memons of western region fall into these categories. There are hardly any Industrial entrepreneurs among Indian Muslims today. In rural areas too, after the abolition of Jagirdari system no large landholdings have been left with the Muslims. Either the rural Muslims have migrated to urban areas and landed in shanty towns or they are leading impoverished life in their native villages.

In this grim economic situation where Muslims are extremely backward and near or below poverty line, it would be surprising if they were not as tradition-bound and conservative as they are today. Conservatism, liberalism or enlightenment cannot be shorn of its social context. The minority situation, over and above this grim social context, makes the matter more complex. Modern reforms, to such strata of society which are struggling on

this or that side of poverty line, hardly makes any sense. To them traditional religion is not only more meaningful but also is a powerful source of solace and for middle classes it also provides them with a sense of identity. One can hardly expect dynamic outlook born out of what is necessarily static situation.

It would be interesting to propose an hypothesis here :<sup>13</sup>

A reform, however desirable otherwise, would be accepted or rejected by a community depending upon (1) how the community in question perceives the total situation within which it exists; (2) how strong is the need felt for the reform (i. e. its functional need as felt by the community); (3) how powerful are the vested interests within the community opposing the reform and what degree of control do they exercise over the community. The reform proposed will have much better chances of acceptance if the total situation perceived appears to be favourable for the survival of the community and provided, of course, the reform serves some vital need of the community.

It should also be remembered that if the two factors mentioned above are favourable for reform, the vested interests, if they have appreciable degree of control over the community, can successfully block the chance of reform. In case of Muslims, in general, and that of the Bohras, in particular (The priesthood in the Bohra community having powerful vested interest in maintaining the status quo exercises very rigid control over the community), all these factors have been adverse for the reforms. These interests use Islamic ideology in Mannheimian sense<sup>14</sup> to preserve the status quo by presenting it in an embellished, mythical and mystified manner. Needless to add here that the *ulama* have, in particular, completely ossified Islam and rendered it quite incapable of facing the modern challenges. Glorification of the past and emphasis on the eternity of the Islamic doctrines without meaningfully relating them to the *zeitgeist* have become important elements of this embellishment.

It is important to note the third part of the above hypothesis i. e. how powerful are the vested interests in preventing reforms? The Muslim leadership has played the most opportunistic role in preventing any meaningful change in the Muslim society. These Muslim leaders have converted Muslim personal law, the question

of Urdu, and that of Aligarh Muslim University into the key issues of the Muslim politics in India. Rather than honestly working for the betterment of the economic plight of the Muslim masses, they keep on putting pressure on the government not to temper with the Muslim personal law or the status of the Aligarh Muslim University. The government is quite happy to extend assurance in this direction to secure Muslim votes. This opportunist and thoroughly discredited leadership has, in other words, made religious identity as the principal issue of Muslim politics today. What is worse, these leaders have never striven to bring about reforms internally of many of the acknowledged misuses of religious sanctions within various Muslim communities. On the other hand, if there is any movement within the community seeking to reform such misuses or gross exploitation in the name of religion, these leaders, in collusion with the powerful vested interests within that community raise the bogey of 'Hindu conspiracy' to destroy Islam and warn the government not to interfere with the internal affairs of the Muslims. It was in the name of religion that these Muslim leaders supported the head of the Bohra community although it was established by a commission headed by a retired high court judge that the religious head of the Bohra community has been inhumanly persecuting the reformists and their supporters.

Thus, it would be seen that the politics of religious identity has come to play a very important role among the Indian Muslims today and it is largely responsible for maintaining status quo. Again, the politics of religious identity has given undue prominence to the conservative *'ulama* at the cost of dynamic and forward looking leadership which, on account of the conditions described above, is extremely weak and shy. It is highly regrettable that young Muslim intelligentsia has failed to emerge on the scene and provide forward thrust. In this connection it should be noted that frequent occurrence of communal riots further strengthens the position of those who advocate politics of religious identity. The recent Bihar Sharif riot is a very good pointer in this direction. Here are large number of Muslim bidi workers in this town and hence it has been a stronghold of CPI. However, the communal holocaust — one could feel by talking to the victims of the riots in relief camps who were mostly poor bidi workers — changed class consciousness into religious consciousness. Anjuman-i-Mufidul-

Islam came to champion the cause of the Muslims and it seemed to be the most popular organization among the Muslims.

There is yet another important factor which must be taken note of in this connection: the fundamentalist movement in the Islamic world. Much has been made out about it in the Indian press. While it is true, as pointed out by Daniel Pipes that "Almost overnight the balance of wealth and power in that region shifted not only from the oil producing States, but also, by and large, from the modernist Arab leadership (Egypt, Syria, Tunisia) with their secular nationalisms to the revivalist Muslim rulers of Saudi Arabia, Libya (inclusion of Libya is rather unfortunate here), the Gulf States, and latterly, Iran"<sup>14</sup>; however, it is not true that the Indian Muslims have reacted very enthusiastically to the fundamentalist movement. Imtiaz Ahmed is not far wrong in pointing out that, "India has remained totally untouched by the recent developments in Iran and Pakistan as well as in other countries of the Islamic world.....the recent resurgence of Islamic revivalism (there) has not struck a sympathetic chord among Muslims in India".<sup>15</sup>

It would be too much to read 'foreign hand' (thereby meaning Arab hand) in communal disturbances as was sought to be done by the editor of a leading daily at the time of Moradabad riot last August. It was most irresponsible piece of writing based on mere conjectures. However, it must be admitted that many leading Muslim religious institutions in India have been getting donations from conservative Arab countries like Saudi Arabia which may tend to consolidate the position of conservative Muslim leadership. This is very unfortunate development as far as the Muslim masses are concerned. The politics of religious identity would thus play more prominent role pushing the economic issues in the background. Now the Jamat-e-Islami too has started playing much greater role in Muslim politics than its numerical strength would warrant. Its student wing has specially become much more aggressive and is succeeding in attracting a large number of Muslim youth. Jamat-e-Islami is, undoubtedly, a fundamentalist organisation and its ultimate aim (not immediate goal) is to establish a theocratic State which has been defined by its chief Maulana Maududi as a theo-democratic State.<sup>16</sup>

With the developing economic crisis in the country the weaker sections of which the Indian Muslims are an important ingredient are bound to suffer more and more, both economically and by way of communal and caste violence. And, as already pointed out, this would further strengthen the conservative tendency and politics of religious identity.

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## RISE OF MUSLIM FUNDAMENTALISM IN INDIA AND ITS CAUSES

Rise of Muslim fundamentalism is often talked about very loosely especially in Indian context. In the last few years great deal of communal violence has taken place in this country under the pretext of aggressive rise of Muslim fundamentalism. At the time of Moradabad riots an editor of a leading English daily even went to the extent of repeatedly writing articles and publishing letters to the effect that there was 'foreign hand' in the riots meaning thereby that the Muslim fundamentalists from abroad were financing the riot. The Vishwa Hindu Parishad, specially, has made it a constant refrain and has been playing up Meenakshipuram conversion out of all proportions and blaming them on the rise of Muslim fundamentalism.

Sometimes childish instances are given to show the rise of this phenomenon among the Indian Muslims. Installation of loud speakers in the mosques is an instance often given in this respect. Opening of madrasas and other religious institutions is another instance often quoted. During my field interviews while investigating some the major riots I was often told that it is Muslim fundamentalism which is the real cause of the riot. This was said despite the fact that there was an overwhelming evidence to the contrary. Thus, any loose talk about the rise of Muslim fundamentalism would not do. It would cloud our understanding of the situation.

This writer, however, does not maintain that the phenomenon of fundamentalism among Muslims in India should be dismissed. What I maintain is that it must be properly analysed and understood and its impact evaluated. In today's world any phenomenon occurring in any other country with which one has emotionalities cannot but influence him or her although the degree might vary. The Islamic upsurge is an unprecedented and highly emotional phenomenon. How can it go unnoticed or leave Muslims cold ?

On the perception of a phenomenon, it must be noted, depends a monolithic community. The are stratified both horizontally (culturally, linguistically as well as sect wise) and vertically (due to class divisions). A stratified community cannot be expected to take a uniform view of the phenomenon. The rise of Islamic fundamentalism in the Islamic world is viewed differently by different sections of the Muslim society in India. However, occasionally, as a minority, under certain socio-political stresses and strains, it might react in away which would appear to be monolithic reaction to others. But such occasional behaviour cannot be construed as a permanent pattern.

With these prefacing remarks, I would like to the phenomenon of Muslim fundamentalism in India. To begin with one has to deal with the Jamat-e-Islami as it comes closest to the fundamentalist organizations and movements in the Islamic world. Though in India the Jamat does not propagate the idea of establishing a theocratic State (the conditions are hardly conducive in India for this purpose), it does owe an ideological affiliation to Maulana Maidudi who strove for establishing such a State in Pakistan. The Jamat-e-Islami Hind, it is true, does not maintain any physical link with its counterpart in Pakistan but it can hardly deny its ideological link with it.

The Jamat in India has been enamoured of Iranian Islamic revolution and it organ the 'Radiance' Weekly keeps on publishing articles in support of the Khomeini regime characterising it as a truly Islamic regime. However, the Jamat in India has all along been supporter of Saudi Arabia (again in an ideological rather than physical sense). This is causing tension in the Jamat. Of course, the tension has not reached the threshold of split. Nevertheless, tension does exist. Khomeini is a sworn enemy of Saudi regime and has vowed to overthrow it. The Jamat, despite its

present support of the Khomeini regime, cannot take any such stand. Not only this there are hardly any signs of its relations having been strained with the Saudis.

However, there are some signs of tension in the students of the Jamat. Until recently, the Jamat was patronising the Islamic Movement (SIM) and it was considered as its student wing. The SIM is now more vocal in its support to the Khomeini regime. According to a report published in *Crescent International* a pro-Khomeini fortnightly from Canada, the Jamat in India has, for the first time decided to form its separate student body called the Islamic Tanzeem-e-Tulaba (ITT). According to this report the new student organization is being formed as the SIM supports the Khomeini regime more vocally which is rather embarrassing for the Jamat and its leaders for their older links with the Saudis. Thus the *Crescent International* report says :"

"While SIM considers Iran an Islamic State and supports it as an Islamic duty, the Jama'at is lukewarm. The Jama'at-e-Islami of both India and Pakistan maintain good relations with the regimes of the Gulf and Saudi Arabia, the American client States, and considers their political systems as Islamic thereby giving tacit support to American hegemony over the heartland of Islam. According to SIM activists, what annoys the Jama'at is their upright views and actions about the issues that affect the *Ummah*."

Thus it would be seen that the Jamat itself is facing a dilemma due to new forces released by the Islamic surge. The Saudi variety of fundamentalism is *status quoist* while that of Iranian fundamentalism tends to be radical as far as the American hegemony is concerned. This is no small dilemma for the Jamat. The Jamat's cadre is strongly attracted towards the Khomeini regime as it is establishing the very theocratic State the Jamat has been the oratorically talking about all these years. But for obvious reasons the Jamat which tends to be far more conservative and in view of its ties with the Saudi regime, it cannot go whole hog with the Khomeini regime and hence the SIM's disenchantment with it. One more thing to be noted in connection with the Jamat is that it is an elitist party and has never had any mass base. It is precisely for this reason that it does not wield

much political influence on the Muslim masses. Let alone the Muslim masses in rural areas, it has not been able to penetrate substantial chunks of Muslims even in urban areas. It is tightly controlled by a few urban elites. Thus, its social base is extremely narrow.

The next organized group among Muslims is that of Sunni theologians called *Jami'at-ul-'ulama*. It has been traditionally nationalist in orientation and believes in the theory of composite nationalism. Ideologically, it has never propounded the theory of theocratic State. It can be said to have some base among urban artisans and some other lower strata of urban Muslims. It seems to have neither been attracted towards Saudi Arabia nor towards the Khomeini variety of fundamentalism. It follows more orthodox variety of Sunni Islam rather than any of the current fundamentalist variety. As against the Jamat which abhors the secular leadership of PLO, it fully supports the cause of Palestinian liberation led by Yasser Arafat. It is critical of the Jamat—sometimes even bitter polemics are exchanged—and prefers the concept of composite nationalism to that of theocratic State.

The other political parties and groups like the Muslim League, Muslim Majlis, Tamir-e-Millat etc., do not have any coherent ideological position worth serious consideration. Of this, only the League has some wider base—the other two being confined to Hyderabad and a few other couple of places. The Muslim League has regional base in Kerala (and to a very limited extent in Tamil Nadu) and thrives there on the politics of regional alignments rather than draw its sustenance from the fundamentalist fare. Elsewhere in India, it is just on the fringe and like the Muslim Majlis and similar other groups keep on raising issues pertaining to the Muslims without any, as pointed out, coherent ideological frame-work. The League's approach is more pragmatic and empirical.

In view of what has been stated above it can be seen that there is no well organised, much less uniform reaction to Islamic fundamentalism among the Indian Muslims. It certainly failed to have any snow-balling effect. There is no empirical evidence of the same. We would now deal briefly with some non-political groups and organizations. Is there any noticeable impact of Islamic fundamentalism on these groups or organizations ?

Again the answer, I am afraid, may not be in emphatic affirmative.

The Shi'as of India (who do not have any separate political organization of their own) could be expected to be enamoured of Khomeini's fundamentalism. However, one does not see any noticeable reaction on their part. The most representative body of the Shias of India was the Shi'a Conference which also split in June last year with the formation of the Shi'a Council led by Maulana Taher Jarwali. The Shi'a Council in its convention in Delhi in June '82 passed a resolution endorsing Mrs. Gandhi's 20-point programme and as far as the Khomeini's fundamentalism is concerned it did not go further than passing a resolution lauding his efforts for the Shi'a-Sunni unity. Even among the Shi'a masses one hardly notices any enthusiasm for Khomeini's rule.

After the oil revolution of 1973 in the Middle-East, some institutions and religious establishments in India have received money from the countries like Saudi Arabia, Kuwait etc. But it is very difficult to construe it as a politically motivated funding. At least, there is no clear indication or any evidence about it. These are inferential conclusions which are loosely brandished about. No one has been able to produce any shred of evidence about role of Arab money in conversions at Meenakshipuram yet this impression has been systematically created through sustained campaigns in the press. It is true that recently number of religious institutions have sprung up or the old ones are getting more funds but it would be imprudent to jump to the conclusion that it is part of, or having organic connections with, Islamic fundamentalism in the Middle East. Whatever religious enthusiasm is seen among Indian Muslims today must be studied as an integral part of general religious revival in the country. An objective social scientist would see it in the same perspective as the aggressive revivalism of Vishwa Hindu Parishad giving the slogan for Hindu unity and inspiring Hindus to be proud of their religion.

The role of religion in a backward developing society like that of India cannot be understood in a mechanical and hackneyed way. The left in India has been guilty of such a mechanical approach. The role of religion in the context of social change in a developing society ridden with class divisions has to be reassessed thoroughly and it constitutes very fascinating challenge.

Religion has proved to be much more tenacious than the 19th century rationalist thoughts. It is not merely accidental that in those third world countries which have adopted capitalist path of development, religions, castes, tribal and other ethnic identities and primordial traditions are assuming more and more importance. Islamic fundamentalism in the Arab world and Vishwa Hindu Parishad campaigns for revivalism of aggressive Hinduism must be seen in this context rather than search its roots in religious dogmas themselves as it is sought to be done very often.

## PHILOSOPHY AND FUNCTIONING OF THE JAMAAT-E-ISLAMI

The Jamaat e-Islami is often mentioned along with the R.S.S., whenever communal disturbances take place. In the recent spate of riots in Kashmir and other parts of North India, the Jamaat too was accused of involvement. The truth of its involvement can come out only in an impartial judicial inquiry. However, the Jamaat's philosophy and functioning is not as widely known as that of the RSS. What people do know is that it is often mentioned in the same breath as the RSS by the politicians. Sheikh Abdulla recently told a Calcutta based weekly that "They (i.e. the Jamaat members) put on a show that they are a religious institution, but these people are very active in politics. They are exactly like the RSS : the same methods, the same mentality." It would, therefore, be worthwhile to dwell upon the philosophy and functioning of the Jamaat.

The Jamaat-e-Islami was founded in 1941 by Abul' Alu Maududi in India. He remained its chief ideologue till he breathed his last in September, 1979. W.C. Smith describes the foundation of the Jamaat as "one of the most significant developments in contemporary Islam and one of the most significant forces in contemporary Pakistan." Needless to say the recent developments have vindicated Smith's opinion. Maududi was the most systematic and consistent thinker of modern Islam. The Jamaat has not produced any other leader of his stature.

Maududi, although schematic in his approach and consistent in his thinking, was arch conservative. He borrowed, to a limited extent, the modern methodology of social sciences to project his medieval views and thus created deception of being modern in his approach. Maulana Maududi is a copious writer and has to his credit a number of books besides hundreds of articles and pamphlets. He was truly a gigantic propagandist of Islam. His views and scattered writings have been compiled in a book *Islamic Riyasat* compiled by Khurshid Ahmed.

According to Maududi, religion cannot become merely a private affair of man's life. It is nothing if the system on which the entire culture and civilization is based is not complete. He is totally opposed to the idea of separating religion from State and, hence, rejects secularism. To him the only acceptable form of State is theocracy. He chooses to call this form a theodemocratic as the elected head of Islamic State would hold consultation (Shura') with the elected or nominated members of the consultative (not legislative) council. In the Islamic State of Maududi's conception, there will be no place for multi-party system. Only one party Hizbullah the party of God, inspired by the Koran and Sharia (Islamic jurisprudence) would be allowed to function.

The council will have no legislative function. The only legislator is Allah. The council can, at best, interpret the laws of Islamic Shari'at. According to the Maulana "One's understanding, consciousness, thinking and views cannot be other than what Islamic teachings are. Religion would guide a person from beginning of his life and through its journey to the other world." Maulana Maududi considers secular State as haram (prohibited). He advised his followers on the eve of his departure to Pakistan in 1948 : "So far as the Muslims are concerned, I want to tell them that present irreligiousness (secularism) and the concept of national democracy are out and out opposed to your religion. If you bow your head before them, you will be going against the teachings of Quran. If you participate in its establishment and sustenance, then you will be raising the banner of revolt against God."

The Maulana opposed the Jinnah's plan of Pakistan as it did not envisage creation of a theocratic State in that country. Thus,

it will be seen that the Jamaat is opposed to the nation of territorial nationalism and advocate, instead, either Islamic internationalism or religious nationalism. The Maulana, it is interesting to note, concedes the Hindus of India to establish a Hindu State and treat the Muslims as *mlechchas*. The RSS and the Jamaat, thus it would be seen, have many things in common. Both believe in the establishment of religious State, reject secularism and also the concept of territorial nationalism. The later two elements are the very *raison d'être* of the modern State. The Muslim League, on the other hand, does not consider theocratic state as its fundamental creed. The League, in fact, does not explicitly reject the concept of secular nationalism nor makes it any kind of issue.

After the partition, the Jamaat maintains, it severed its organic relationship with its counterpart in Pakistan. However, this was more of a tactical move than fundamental change of policy. The Jamaat-e-Islami-i-Hind, it is officially claimed, does not have establishment of theocratic State in India as its immediate objective. It has replaced this objective by what it calls *Iqamat-e-Din* (establishment of religion). In this light Maulana Afzal Hussain Qayyam (Secretary) of the Delhi wing claimed, "The Jamaat is a non-communal organisation based on principles which has the furtherance of Islam as its objective". However, this claim can hardly bear scrutiny. The Jamaat in India, like its counterpart in Pakistan, continues to reject secularism as a political creed. It does not accept nationalism either. Maulana Abul Lais, in his presidential address at the Rampur session of the Jamaat in April 1951 had said, "These things are in contradiction to the belief in God. We believe that these two evils (secularism and nationalism) are more fatal than all the evils spread by the Devil which afflict mankind."

Even after the partition the Jamaat, as advised by its founder-ideologue Maulana Maududi, kept itself away from the secular political system in India. As late as in July 1961, it appointed a committee to consider whether it should take part in the elections and whether taking part in the elections would help promote its goal of establishment of *din*. The committee, not surprisingly, reported that taking part in the election and going to the assembly under a secular system of government with the aim of running it

would be against the tenets of Islam and, therefore, an ungodly act. But participation in elections, if undertaken with a view to change the constitution so as to establish sovereignty of God in place of sovereignty of people, would be in order. Since it was not possible to so change the constitution, the question of participating in election did not arise.

It was only in its November 1974 session in Delhi, that the Jamaat shifted its stand and decided to take part in Panchayat elections. The Secretary of the Jamaat said, "If we can make the Panchayats we come to control through elections ideal institutions, we would consider taking part in elections to other institutions." This clearly implies that whatever the tactics, the foundational principles are the same as those of the Jamaat in Pakistan. On international issues also it continues to take cue from its counterpart in Pakistan. It is essentially a fundamentalist party believing in reviving the medieval Islamic Orthodoxy and basing State-craft on it.

No wonder then that in the political arena it feels itself closest to the RSS. After the emergency it began to openly fraternize with the RSS and the leaders of the Jamaat addressed many meetings from the platform of the RSS. Like the RSS the Jamaat also has deep hatred for communism. Again they have adopted the same attitude on the Afghanistan issue. The Jamaat is also a tightly-knit organisation and is busy promoting dedicated cadre committed to its view of Islam. However, it is not as widespread as the RSS and has an extremely narrow base. Its influence among the Indian Muslims should not be overrated. It derives support chiefly from a section of the lower middle-class Muslims. Also, unlike the RSS, it does not preach hatred against any community (although it would not give equal rights to Hindus in an Islamic State if ever established).

The Jamaat is making a concerted bid to win over Muslim students. It has encouraged some elements to establish Students Islamic Movement (SIM). According to an article in Radiance (June 1, 1980), the organ of the Jamaat in English, "On April 25 1977, a band of youth and students representing nearly all the regions of India decided that it was time to initiate India-wide efforts to introduce Islam among Indian youth. The formation of Students Islamic Movement of India amounted to a declaration

that Islamic youth will take the Islamic ideology to each and every young man and woman of India." Of course, the Jamaat does not claim SIM to be its front organisation. But these formal denials need not deceive anyone. SIM held an impressive all India Conference in Nagpur last October. It would not have been possible to arrange such a massive conference without organizational and financial support of the Jamaat. SIM is also slowly consolidating its position in Aligarh Muslim University. It has established fairly good footing there and has brought quite a few students under its influence. Similarly, in Kashmir, it patronises (again, the Jamaat formally denies this) the Jamaat-e-Tulaba which was planning to hold an international conference in Srinagar this August, ignoring the advice of Sheikh Abdullah. The Sheikh was then compelled to ban it. According to the Sheikh, the Jamaat-e-Tulaba was propagating an Iran-type revolution in Jammu and Kashmir. The Tulaba chief Sheikh Tajammul Islam had threatened, according to the Times of India correspondent, "to launch an Iran -type struggle for the establishment of an Islamic State".

The Jamaate-Islami is very close to Saudi Arabia on the one hand and, the Khomeini regime on the other which threatens to throw out all the monarchs and kings. The fundamentalist movement in these countries has enthused new life in the Jamaat. It also receives money from Saudi Arabia, ostensibly for religious purposes, as stated by Sheikh Abdullah in his interview to Sunday. As per its own admission, the Sheikh stated, the Jamaat received Rs. 86,000 from Saudi Arabia for organising secret Conference in which political resolutions were passed. The Jamaat may not succeed in anything more than kicking lot of dust in India. But, ideologically, it is a corrosive force and should be fought effectively by the progressive sections of the Muslims. Its ideology negates everything for which lakhs of Muslims are proud of i. e. the composite culture, the great Indo-Islamic civilization and its rich heritage. Also, the Jamaat's militancy can and does attract many Muslim youths in the prime of their life and turns them into zealots. They may not preach hatred against any community as such but such an attitude itself is dangerous enough for disturbing the precarious balance of communal harmony, specially in the north. The recent communal flare-up in Moradabad and other towns of U.P. is pointer in this direction.

## RELIGION AND POLITICS

Our country is through a critical period both politically as well as economically. The recent communal riots and the happenings in Punjab are no less than alarming developments in any case. But, I do not think the intelligentsia in our country is taking these alarming developments very seriously. We do express our opinions, occasionally, through writings or speeches but do not bring about ourselves to act with vigour to fight the growing menace.

What is this menace we are talking about ? It is ever increasing involvement of politics with religion. We have been confronted with politics of religion and now our politicians seem to be almost making religion of politics. For them politics is above all, even if they have to use the devil himself for the purpose. As long as they can have short cut to power via religion, what do they care. One must, therefore, try to seriously grapple with both the phenomenon; politics of religion and religion of politics.

In a multi-religious, multi-ethnic society like that of India, secularism is a must not merely as a principle but even as a pragmatic policy. Our society which harbours ethnically as diverse groups as Nagas and Mizos on one hand and Malayalis and Tamils on the other, and religious diversity manifesting itself through Hindu, Sikh, Muslim and Christian communities, cannot become politically viable without secularism as an operative

policy. It was in view of this that Jawaharlal Nehru had coined the slogan 'unity in diversity' and strongly emphasised the importance of secular politics.

But slogans are often idealistic than realistic. The reality is highly complex and no system of ideas, let alone any slogan, can capture it in all its complexity. It is much more so in a dynamic, developing society. When development begins, new forces emerge on the social, political and economic scene and a social scientist has to grapple with these forces if he or she wants to understand the socio-political and socio-economic realities. Reality itself is no fixed datum. It is dynamic and emerging in ever newer forms.

By adopting secularism as a sheet anchor of our political policy we thought optimistically—and this optimism was shared by many eminent progressive intellectuals—that religion has been relegated to the domain of individual belief or practice. Little did we know that reality has its own way of imposing itself on our ideals. Whom do we blame for this state of affairs? Again we should not be victims of clichés often brandished around. It is no use blaming any one category for this. The blame would have to be apportioned among host of categories and forces in a dynamic situation.

Let us not forget that we have opted for capitalist course of development in a country with areas and communities highly unevenly developed. The process of development, moreover, arouses new aspirations among these groups and communities—what has been termed as the revolution of rising expectations. These unevenly developed groups and communities, within a capitalist frame of development rightly perceive themselves to be deprived of the fruits of development and their rising aspirations being thwarted. The socio-economic causes, through what I term as psychological refraction—get transformed into religio cultural ones. The less developed and aggrieved communities and groups begin to ascribe their backwardness or deprivation to their belonging to a particular religious, ethnic or national group. And this is the right opportunity for the politicians to exploit.

The politicians, themselves aspiring for being catapulted to power, get themselves busy activating the primordial consciousness

among the group they belong to. Needless to say primordial consciousness generates intense emotions and thus has great mobilizatory potential. Thus religion is injected into politics while paying homage to secularism. When the deprived religious groups or communities express their aspirations through activated primordial consciousness, what we can term as religious fundamentalism the privileged communities feel threatened and take recourse to the same strategy. Thus, begins the nasty process of minority and majority communalisms reinforcing each other.

Secularism, so essential to maintain the viability of multi-ethnic and multi-religious society like that of India, as pointed out earlier, acquires a back seat in such a situation. It begins to yield to politics of religion as the unprincipled politicians end up making religion of politics. Still the question remains : who is the principal culprit ? The process of development within the capitalist frame-work giving rise to and widening the gap between various religious groups and communities or the politicians ? This question as such cannot be categorically answered.

However, one must bear in mind one more social fact which has important bearing on this question. More affluence one acquires, higher his aspirations rise and lower down comes the moral threshold. That is precisely why corruption thrives more in affluent sections of society rather than among the more deprived ones. The affluent ones are corrupt while the deprived ones are angry. The angry ones are made to take recourse to religion by the corrupt affluent ones. The politicians belong to the affluent classes or are their hangers on. With the loosening morality, principles are swept aside and politicking assumes command. This is amply reflected in the style of functioning of the Congress-I leadership. The neo—rich have begun to dominate the political scene in the country. Their entry into politics has been duly legitimised, specially since emergency. Among the neo-rich can be included anti-social elements like smugglers, bootleggers, black marketeers as well as land racketeers.

These emerging neo-rich in a developing economy, develop strong political aspirations (for legitimacy and security, besides hunger for power) and make religion of politics and use religion most unscrupulously for their political ends. If one looks into

the political base of parties like the Shiv Sena, besides several other so-called secular parties, one will be convinced of this. Again we should be wary of oversimplifications. It is not only neo-rich and anti-social elements who are exploiting religion for political ends, even industrialists, rich peasants and other respectable sections of society take recourse to such a course most unabashingly.

It is an open secret that the Shiv Sena is financed by some industrialists for 'warding off labour trouble'. The ruling Congress has often aligned itself with this rabidly chauvinist party for its political ends. Only a few days ago, before the blood of hundreds of victims of Bhiwandi-Bombay riots had dried up, the Chief Minister of Maharashtra, begged for abstention of three Shiv Sena votes in the Maharashtra Assembly to get his nominee for the Deputy Speakership elected and in the bargain released one of the Shiv Sena leader Mr. Sirpotdar arrested under the newly amended NSA for inciting communal violence in Kherwadi in Bandra East, Bombay.

The problem of Punjab serves to illustrate the dangers of using religion for realising the aspirations of newly emerging 'kulaks' on the rural scene. The Akalis, like the Muslim Leaguers before partition, have freely used religious idiom for realising their secular aspirations. Of course, bearing the complexities of the situation in mind, one should not tend to throw entire blame on the Akalis for the Punjab problem, as is being sought to be done by many. The Akalis do represent certain genuine grievances of the Sikh peasant community. Lest one should forget it must be emphasised that communalism breeds very fast in the soil of genuine grievances. If the grievances remain unattended, communalism may result in separatism. Separatism is not necessary or logical outcome of communalism but it tends to become stronger with stronger sense of unattended grievances. The entire history of the partition of this country is proof of this, if any proof is needed.

What is the way out then? Any social phenomenon is the product of the situation. The increasing importance of religion in politics today in India is not an accidental phenomenon, neither a product of someones fancy. It is the product of the situation prevailing today. Unless the situation is changed, the phenomenon

cannot be wished away, whatever our desire. And the situation can be changed only if revolution takes place. Well, it is not on our political agenda any way. Untill then ? Well, as God is in temple or mosque, not in our conscience, secularism will remain within the precincts of the constitution, to be paid obeisance to, not to be practiced.

## MINORITY CHARACTER OF ALIGARH MUSLIM UNIVERSITY

The Aligarh Muslim University and its minority character have become an integral part of the Muslim politics in India. Thanks to the opportunism of the Muslim political leadership on this issue, no ruling party, much less any Muslim political leader, can ignore it. Even the Janata Party, one of whose constituent element was the erstwhile Jana Sangh, had to promise, in its election manifesto, the restoration of the minority character of the Aligarh Muslim University. However, it is different thing that it began to equivocate on this issue later on.

According to a note prepared by the Minorities Commission, it has submitted a report to the Government recommending certain amendments to the Bill (Aligarh Muslim University Amendment Bill 1979) which would give recognition to the minority character of the University within the meaning of article 30 (1) of the Constitution. However, this recommendation was not accepted by the Government and the only reason given by the Government for not accepting the recommendation was that it would be contrary to the judgement of the Supreme Court in Aziz Pasha's case.<sup>2</sup> This bill which was to be considered by the Rajya Sabha lapsed with the dissolution of the Lok Sabha.

The Congress (I) too made a promise to impart minority character to the Aligarh Muslim University in its election

manifesto and hence the Cong (I) government introduced a bill in the Parliament with this intention. The Clause 2 of this Bill defines the University as follows :

“University means the education institution of their choice established by the Muslims of India which originated as the Mohammadan Anglo Oriental College, Aligarh, and which was subsequently incorporated as the Aligarh Muslim University.”<sup>3</sup>

The Minority Commission Note maintains that the Aligarh Muslim University can be deemed to have been imparted minority character only if it comes within the meaning of Article 30 (1) of the Indian Constitution. It, therefore, considers even the above definition as falling short of the required definition which can be deemed to have imparted minority character to the Aligarh Muslim University. The Minority Commission as against this, suggests the following definition of the University in order to avoid any ambiguity whatsoever : “University means the education institution of their choice, established by the Muslims of India and which was incorporated and designated as the Aligarh Muslim University in 1920 by this Act.”<sup>4</sup>

A committee set up by Shri Fakhruddin Ali Ahmed in 1968 had suggested the following definition of the University :

“Notwithstanding any judgement, decree or order of any court or Tribunal to the contrary the Aligarh Muslim University shall be deemed to have been established by the Muslim minority of India as an educational institution of its choice and shall be administered and managed as provided for in Articles 29 and 30 of the Constitution of India.”<sup>5</sup>

Thus, it would be seen that in order to provide the Aligarh Muslim University with minority character the emphasis is on article 30 of the Constitution. The article 30 of the Constitution reads as under :

- (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- (2) The State shall not, in granting aid to educational institutions discriminate against any educational institution

on the ground that it is under the management of a minority, whether based on religion or language.<sup>6</sup>

Actually here lies the rub. By emphasising the article 30(1) of the Indian Constitution what is desired is the total control over the administration and management of the University. This control over the University would be exercised, although in the name of the Muslim Community, by a handful of leaders and theologians who are known for their orthodoxy and obscurantism. It is in this context that the controversy about the minority character of the Aligarh Muslim University assumes importance. One cannot take a meaningful position in this controversy without looking at the problem from this broader perspective.

It is, undoubtedly, a progressive step to guarantee religious and cultural rights of minorities including establishment and preservation of its institutions in a democratic set up. The Indian Constitution has done precisely that. However, such an arrangement does not necessarily work out in favour of the common members of such minority groups in backward country like India. Powerful groups cleverly manipulating religious sentiments succeed in taking full control of such institutions. Such powerful groups happen to be, more often than not, obscurantists. By arousing religious emotions, such obscurantist elements establish their stranglehold over the institutions which often proves detrimental to its cause.

This has proved the bane of AMU also. Aligarh Muslim University is an important institution of modern higher learning. If its control vests with the conservative elements within the Muslim community it is bound to affect its growth adversely. The Aligarh Muslim University Amendment Act 1980 proposes to empower theologians and other conservative elements from amongst the Muslims to establish their control over the University. A note prepared by the progressive group of AMU teachers draws attention to this aspect.<sup>7</sup>

The Aligarh Muslim University Act 1920 has been amended thrice since then i.e. in 1951, 1965 and 1972. However, the present Bill pending before the Parliament is the third of three Amendment Bills successively introduced by the Government in Parliament during the course of a year (1980).<sup>8</sup> According to this

note the real intention of this bill is to “consciously or unconsciously put the management of the University in the hands of Muslim politicians, Zamindars, theologians and communalists.” “The present Bill”, the note further points out, “if enacted, will therefore, be severely detrimental to the academic life of an institution of national importance,”<sup>9</sup>

It would be interesting to point out here that Supreme Court had held in the Aziz Pasha Case that the AMU was not a minority institution under Article 30 of the Constitution because it had been ‘established’ by an act of the Central Legislature and not by private endeavour. If the Aligarh Muslim University comes within the purview of the Art. 30 of the Constitution, it would soon open the way—as it already has through this bill (The AMU Amendment Bill, 1980) to vest the entire ‘management’ of the University in the hands of the self-styled leaders of the ‘Millat’ (Muslim community).<sup>10</sup> The note points to another danger also. “once the University is declared a minority institution under Art. 30 (1), the Parliament may be prevented from further amending the Act and Statutes at any time ; and this will, of course, set a major obstacle to its development.”<sup>11</sup>

As already pointed out a group of powerful obscurantist elements in the community can, by playing up religious sentiments—and this is already happening on the University campus to-day for anyone to see, push the University into an area of darkness. And this fear is not for nothing. A careful scrutiny of the present Amendment Bill before the Parliament bears this out. The University Court, as per this bill, would have all the powers which are vested today with the Executive Council—a body dominated by the academics.

The Amendment Bill proposes to pack the University Court with 70 members out of 179 who can be put under the category of conservative elements. The Old Boys Association which has hardly a membership roll of thousand and is controlled by a clique of land-owners would find 25 seats on the Court as against the present representation of 15 (already an excessive figure). Next the All India Muslim Educational Conference, almost a defunct body like the Old Boys’ Association, would get 5 seats as against 2 at present. The Court would also have 15 representatives of “Muslim Culture”, a highly vague term which can be, more likely

than not, stretched to mean representatives of Muslim theology and religious studies. It is highly unlikely that the Muslim Culture here would be meant to be inclusive of fine arts and similar other areas of culture. At present only 2 seats have been allotted under this category. Also, 6 seats would go to the representatives of "Muslim Colleges of Oriental Learning" and they will be elected by the Court. From amongst this category only the representatives of seminaries and theological schools like Dar al-Ulum Deoband, Nadwat al-Ulama etc. would find representation. The expression 'Oriental Learning' clearly excludes the modern institutions like the Jamia Millia Islamia. At present no representation has been given to this category on the Court. Similarly, another category not presently represented and nothing to do with the field of education i.e. chairman of Wakf Boards would find 4 seats in the University Court. Wakf Boards are known to be citadels of politics, corruption and conservatism. 5 persons from Muslim educational and cultural societies would also be given representation. And finally, those who have donated more than Rs. 10,000 would have 10 representatives. Needless to say, to this category belong none other than the conservative Muslim landowners.

The University Court thus heavily weighted in favour of the conservative elements would have the powers to lay down rules and regulations for running the University as against its status of being a mere advisory body today. This is bound to have grave implications for the growth of the University as a progressive seat of higher learning for the Muslims of India. One need not dispute the status of minority institution for the Aligarh Muslim University but one must prevent it from slipping under the control of orthodox and obscurantist sections of the community. The corrupt and opportunist Muslim leadership does not care much for the growth of AMU on modern scientific lines but is really interested in bringing it under its stranglehold in order to make it a pawn on their political chessboard. If this is to be prevented the AMU Amendment Bill 1980 will have to be completely recast and restructured. Irfan Habib and his group is being maligned today by conservative section precisely because he tried to draw attention to this fact.

**Notes and References :**

1. Aligarh Muslim University Amendment Bill 1980—A note by the Minorities Commission, Secular Democracy March, 1981, p—32.
2. Ibid.
3. Ibid.
4. Ibid, p—33.
5. Ibid.
6. Constitution of India (as modified upto 1st February, 1977), p—12.
7. A mimeographed note circulated by a group of AMU teachers entitled "The AMU Amendment Bill 1980.
8. Ibid. p-1.
9. Ibid.
10. Ibid.
11. Ibid.

## INDIAN MUSLIMS AND RELEVANCE OF CHRISTIANITY TODAY

Islam and Christianity are quite close to each other as they have common sources of tradition. More than that Islam, as the Quranic verses point out, believes in unity of *deen* (i.e. essence of religion) and gives more importance to good deeds (*'amal is salihah*) than to rituals (*manasik*). As regards the rituals the Quran says unequivocally in 22nd chapter verse 67 :

“Unto each nation have we given sacred rights which they are to perform : so let them not dispute with thee of the matter, but summon thou unto thy Lord. Lo ! thou indeed followest right guidance.”

Again, in the chapter 5, verse 69 the holy Quran declares loud and clear :

“Lo ! those who believe, and those who are Jews, and Sabaens, and Christians—whosoever believeth in Allah and Last Day and doth right—there shall no fear come upon them neither shall they grieve.”

Thus, the real criterion is good deed, not being formally a Muslim, Christian, Jew or Sabaen. Perhaps it is the most tolerant view taken of other religions so far. Although the Muslims came in direct confrontation with the Jews in Medina, it must be said to the credit of the Quran, that it never attacked the Jewish religion; it attacked the corrupting influence of its religious leaders.

According to the Quran the Jewish Patriarch Abraham was *hanif* (i.e. one who follows the correct path) and Moses was the prophet of God and liberator of his people.

The Quran also enjoins upon all its followers to respect all the prophets equally and *not to distinguish between them* and those who distinguish between them are real *kafirs* (*kafirun haqqa* i.e. real unbelievers). The Quranic verse reads as under :

“Lo ! those who disbelieve in Allah and His messengers, and seek to make distinction between Allah and His messengers, and say : We believe in some and disbelieves in others, and seek to choose a way in between : such are disbelievers in truth; and for disbelievers We prepare a shameful doom.” 4 : 150-51)

Towards Christianity too Islam had no hostility at all. There was no confrontation with Christians as with Jews when the holy Quran was being revealed. The Prophet had dialogue with Bahira Rahib—a Christian monk when he was young, some say 10 or 11 years old. He also often talked to Waraqa bin Naufal—who some say was convert to Christianity—before he achieved prophethood. Waraqa is also supposed to have predicted his prophethood. The Quran makes complimentary references to Christ in various chapters and devotes one chapter to Maryam (i.e. Mary), the mother of Christ. It would not be out of place to quote some of this beautiful chapter. God says :

“Make mention of Mary in the Scripture, when she had withdrawn from her people to a chamber looking East, And had chosen seclusion from them. Then we sent unto her Our spirit and it assumed for her likeness of a perfect man. She said; Lo ! I seek refuge in the Beneficent One from thee, if thou art God-fearing. He said : I am only a messenger of thy Lord, that I may bestow on thee a faultless son. She said : How can I have a son when no mortal hath touched me, neither have I been unchaste ? He said : So (it will be). Thy Lord saith : It is easy for Me. And (it will be) that we may make of him a revelation for mankind and a mercy from us, and it is a thing ordained.....Then she brought him to her own folk, carrying him. They said : O Mary ! Thou hast come with an amazing thing. Oh sister of Aaron ! Thy father

was not a wicked man nor was thy mother a harlot. Then she pointed to him. They said : How can we talk to one who is in the cradle, a young boy ? He spoke : Lo ! I am the slave of Allah. He hath given me the Scripture and hath appointed me a Prophet, And hath made me blessed wheresoever I may be, and hath enjoined upon me prayer and alms giving so long as I remain alive." (19 :16-31)

Thus, it would be seen that the Quran describes Christ as the prophet and the blessed one. The Muslims revere him as a prophet of God. The Christians are treated as the people of the Book. In the early period of Islam there was no confrontation with the Christians and in fact they collaborated with Muslims in their fight against the Sassanid and Byzantine empires. They held eminent positions in the administration of two great Muslim empires that of the Abbasids and that of the Fatimids. Hostility between the Christians and Muslims is a later day phenomenon. Its history begins with the Crusades and culminates in western imperialism. This hostility was motivated by politico-economic rather than theological reasons.

However, this sense of hostility though quite subdued, still remains. One more reason for this is 'Ulama's perception of the writings of the Western Islamicists, many of whom happen to be the Christian priests. It is true that during the nineteenth century many orientalists were motivated by imperialist motives and many of them were less than honest in their writings on Islam. Today although there are many instances of objective, historical writings on Islam, all orientalists cannot be said to be above board. Edward W. Said, a Christian Palestinian intellectual, has, in his book *Orientalism* (Routledge & Kegan Paul, London, 1978), shown that many Orientalists, some of them quite reputed one for their scholarship, have been in the pay of CIA, or some Jewish agencies. Said also says :

"Three things have contributed to making even the simplest perception (in the West) of the Arabs and Islam into a highly politicized, almost raucous matter : one, the history of popular anti-Arab and anti-Islamic prejudice in the West, which is immediately reflected in the history of Orientalism; two, the struggle between the Arabs and Israeli Zionism, and its

effects upon American Jews as well as upon both the liberal culture and the population at large; three, the almost total absence of any cultural position making it possible either to identify with or to dispassionately discuss the Arabs or Islam. Furthermore, it hardly needs saying that because the Middle East is now identified with Great Power politics, oil economics and the simple-minded dichotomy of freedom-loving, democratic Israel and evil, totalitarian and terroristic Arabs, the chances of anything like a clear view of what one talks about in talking about the Near East (read ; 'the Muslim world'.....) are depressingly small." (*Orientalism*. pp—26–27)

The Muslim perception of Christians is definitely coloured by such matters. The Muslims in general, and Muslim scholars and 'Ulama, in particular, deeply resent such an attitude on the part of Westerners towards Arabs and Muslims. A recent seminar on Orientalists held in Dar al-Musannifin, Azamgarh, U.P., in which many reputed Muslim scholars and 'Ulama participated, was also a clear indication in this direction. The papers read were highly critical of the orientalists in general. It was almost unanimous opinion of the participants that the Orientalists in general were motivated, in their study of Islam, by their prejudice and hostility towards Islam. Such a verdict may not be wholly correct but it does show what the Muslim scholars and 'Ulama think about the orientalists in general.

It is mainly the influence of such factors that the Muslim leaders and the 'Ulama do not have very warm relationship with the Christians in India, although there is no element of hostility between the two communities. The Muslims and Christians are in minority in this country and one would normally expect closer collaboration between the two. Of course, until today the Hindu communalists were not as hostile towards the Christians as towards Muslims. One, hardly, ever heard of anti-Christian riots in India. But now the scenario is fast changing. The hostility of the Hindu communalists is increasing towards the Christians also. The bloody clashes between the Hindu and Christians near Kanyakumari last year are a serious indication in this direction. One can hardly ignore its future implications.

The Nilakkal controversy in Kerala is also a grim reminder of what developments are taking place on the political scene in

India. There was sharp polarization between the Christians and Hindus on the question of discovery of a cross near Nilakkal. Of course, as in case of Muslims, so in case of Christians, it is not primarily religious hostility but political game of power and economic factors which determine the attitudes of one community towards the other. Though the Muslims and Christians cannot always be absolved of responsibility in exacerbating communal situation, one can hardly deny the fact that they are invariably at the receiving end at the hands of Hindu communalists. It would be in the interests of both, Muslims as well as Christians, to come closer to each other and strengthen secularist and progressive forces in the country.

When the 'Freedom of Religion Bill' was introduced in the parliament by Mr. Tyagi during the Janta regime the Christians rightly protested against it. But the Muslim participation in the protest was merely symbolic due to differing perception of the measure. Similarly, it can be said that the Christian leaders have not vigorously protested against the communal riots involving the Hindus and Muslims. It is also due to varying perception of the situation. It is high time that both the communities warm up their mutual relation and come closer to each other.

I do not mean to plead here that the minorities should complicate already complex situation further by promoting their own brand of communalism. They should, on the contrary, come together with a view to strengthen the secular and progressive forces in both the communities as well as in the majority community. The younger generation among Muslims as well as Christians is no longer conditioned by the age-old perceptions. The Indian Muslims should realise that the Indian Christians are not, by and large, responsible for the attack of western orientalis on Islam; the Indian Christians similarly should not—and in most of the cases they do not—identify themselves with the motives of western imperialists.

This can be achieved—I repeat—only by strengthening the radical and progressive forces in the two communities. The Muslims and Christians are in a sense relatively more oppressed in India and it is oppressed communities, as many instances in history show, which take to radical ideologies. It would not be out of

place here to refer to the emerging trends of liberation theology among the Christians, although in terms of its advocates it is not very strong yet. Nevertheless, it is striking roots. Unfortunately, no such trend seems to be emerging among the Muslims. Some attempt has been made by the writer of these lines but there is no adequate response and it does not seem to be very likely in near future. But one need not give up in despair. Liberation theology with its radicalism would find more and more advocates as the condition of masses has been deteriorating. Liberation theology, in my opinion, provides the best scope for the oppressed masses of both the communities to forge a common front and finally help the other oppressed, specially the dalits, tribals and other poorer sections of Indian society to emancipate themselves from the powerful clutches of the vested interests.

## **PART III**

### **PERSONAL LAW REFORMS**

27. Muslim Reform Movement in Maharashtra.
28. Muslim Personal Law.
29. Muslim Family Law-Some Misunderstood Aspects Explained.
30. Uniform Civil Code and Indian Muslims.

## MUSLIM REFORM MOVEMENT IN MAHARASHTRA

Reform movements could be of two types : reforms to purify a religion from local or other accretions which take place normally during the course of its growth or transplantation into different religio-cultural environment. The intention of a reformer, in this category of reforms is to restore the pristine purity of religion. Such reformers take, what could be described as, 'book view of religion' as distinguished from 'pragmatic view' of religion. The later has also been described as 'folk religion' practiced by the masses. Mandelbaum perceptively makes this point in the context of the distinction between the transcendental and pragmatic complexes within Hinduism and Buddhism. "The one aspect of religion" he writes "might more aptly be called the transcendental complex and the other the pragmatic complex. One is ultimate, supernal, derived from Sanskrit texts; the other is proximate, local, validated by vernacular tales." Mandelbaum also makes an important observation: "Whatever terms are chosen, the important fact is that both are used as part of the whole setting of religion in India, each is employed for generally differing (though frequently overlapping purposes) within the frame of religion and each is popularly considered to be complementary to the other."<sup>1</sup>

However, the puritans refuse to accept such wider view of religion and tend to confine it to the injunctions of revealed scriptures the motives for which are not always purely religious (we

shall discuss these motives little later). They often launch sanskritizing and Islamising campaigns. The attempts at such reforms, whatever their merit, are past oriented. Many such reform movements were launched, both among Hindus and Muslims (more so among the Muslims) in the late nineteenth century.

The second category of reforms with which we are concerned here is based on modern scientific, rational and humanitarian concepts. These reforms may or may not have religious or scriptural sanction; they may or may not be based on re-interpretation of scriptural text. Some reformists in this category totally reject not only traditionist but also religious point of view (it is necessary to distinguish between traditionist and religious as traditions are not always based on religion) and do not seek justification for reforms within religious frame-work. Rejectionists, however, may have lesser chances of success, as far as wider acceptability of modern reforms is concerned. Before we discuss the modern reform movements, it would be interesting to throw some light on the movements for reforms with a view to purify religion. We may describe these reforms as orthodox reforms to distinguish them from modern reforms.

The motives for orthodox reforms, as pointed out earlier, are not always purely religious although it might appear to be so. Even Mahdi of Sudan, whom the noted historian Toynbee describes as 'zeolot'<sup>2</sup> launched his reform movement with manifest political motives. In this context Zeolotism is defined as "archaism evoked by foreign pressure" and the Zeolot is one who responds to foreign cultural attack by affirming his own tradition "with abnormally scrupulous exactitude."<sup>3</sup> Was this 'abnormally scrupulous exactitude' born of any zeal for religious puritanism? To be precise it was only partly so. V. Lutsky says, "The Island became a centre, from which wandering Dervishes spread his (Mahdi's) teachings to all corners of the Sudan. His disciples advocated asceticism. They held the Turks, Egyptians and Europeans jointly responsible for the corruption of morals in the Sudan. They described the Turks and Egyptians as false Moslems and apostates and called on the people to restore the former purity of early Islam, to restore universal equality and fraternity, to share out property, estates and land on an equal basis and to

confiscate the landed estates from the Turco-Egyptians and the Sudanese feudal lords.”<sup>4</sup>

Compare this with the Faraizi movement of Bengal in the 19th century. Premen Addy and Ibne Azad say “.....the Faraizi began as form of Muslim revivalism to ‘purify’ the practices of Muslim Bengalis. In Bengal the movement reflected the declining position of the Muslim aristocracy and the subordination of the majority of Muslim peasantry to Hindu landlords.....By 1810, however, although maintaining its religious cover, it had broadened along class lines. beginning most significantly in the areas where a system of commercial indigo plantation was being organized by European capital. A prominent Faraizi leader, Didu Mian organized cultivators, whether Hindu or Muslim, against European planters as well as indigenous landlords and money-lenders, again regardless of religion.”<sup>5</sup>

In a backward society, conflicts and tensions generated by systemic changes and class re-alignments are, more often than not, expressed through the channels of orthodox reforms (i.e. movements for restoration of religious puritanism). It is an interesting sociological phenomenon which must be studied thoroughly, but carefully, in proper perspective. Engel’s observation in this respect is quite pertinent. Referring to the popular religious movements in Africa which he regarded as conflicts between the poor nomads and the rich towns people, he says, “The townspeople grow rich, luxurious and lax in the observation of the ‘law.’ The Bedouins, poor and hence of strict morals, contemplate with envy and covetousness these riches and pleasures. Then they unite under a prophet, a Mahdi, to chastise the apostates and restore the observation of the ritual and the true faith and to appropriate in recompense the treasures of the renegades. In a hundred years they are naturally in the same position as the renegades were : a new purge of the faith is required, a new Mahdi arises and the game starts again from the beginning.”<sup>6</sup>

The above remarks of Engels throw much light on the recent fundamentalist movements surging through the Islamic world, specially the Islamic revolution of Iran. During the course of profound systemic changes in a backward society a large sections of people are uprooted from their traditional sources of livelihood

without any prospects of being integrated into the new system due to slow rate of development. These sections feel that the 'good old world' is crumbling around them and corruption and degeneration is spreading and eating into the very vitals of their society. Such a view is reinforced by conspicuous consumption and luxurious and corrupt ways of the newly emerging and dominant classes on the one hand, and, by the concerted campaign of traditional religious leadership (mullas and 'ulama) who equally feel threatened by the new changes, on the other. The poor and backward masses, thus, begin to feel that the only effective way to fight the moral degeneration and corruption is to revive the religious spirit in its pristine pure form. The revivalist movements, thus, draw their strength from the aspirations of the poor and backward masses.

If a particular religious community happens to be in minority caught in the process of change, it leads to further complexities. The community, despite its internecine differences both horizontal (regional, linguistic, cultural or sectarian) as well as vertical (class structure), tends to develop a sharp sense of identity vis-a-vis the majority community which it feels threatens its very existence. Such a sense of identity is often religio-cultural and also, in moments of crisis, acquires communal overtones. The whole course of Muslim politics ever since 1857 exemplifies this. What has been happening among the Sikhs for last several months also testifies to the course the politics of minority assumes under the perceived threat of majority community.

An analytical account of the Dal Khalsa appearing in the Times of India makes an interesting reading. "On the religious side", the author says, "There is no doubt that till 1870 or a little after, the Sikhs regarded themselves as an integral part of the Hindus, but the religious reform movements started in the late 19th and nearly 20th century by the Singh Sabha, the Chief Khalsa Dewan, the Hindu Mahasabha, the Arya Samaj and the Muslim League greatly accentuated the differences between the Hindus and Sikhs. Between 1920 and 1925 the Sikhs launched various militant agitations to wrest control of gurdwaras from corrupt Hindu mahants. Then came the formation of the Shiromani Gurdwara Prabandhak Committee (religious organisation of the Sikhs), after the passing of the Sikh Gurdwara Act in 1925, and Akali

Dal, the political agitational arm. These two bodies, which continue to represent the political consciousness and identity of the Sikhs, have further sharpened the differences between the Sikhs and the Hindus.”<sup>7</sup>

Mr. G.S. Tohra, one of the Khalsa leaders representing the militant section has formulated a five-point programme (Mr. Tohra is president of the SGPC) for preservation of the pristine purity of the Sikh faith and “ensuring political identity of the Sikh nation within Indian unity”.<sup>8</sup> We have seen that the Khalsa Dal movement has launched a violent agitation for what they call Khalistan.

We have dealt with this question here in detail as it enables us to understand the problem of modern reforms in proper perspective. It is generally maintained—and this is not without reason—that there has been absence of concerted efforts for modern reforms the Indian Muslims. The movements for reforms, even if launched, did not make much headway and failed to create any impact. Many have ascribed this failure to the strictly doctrinaire nature of Islam. However, this is only partially true. The whole truth can be understood only if we avoid our a priori notions and instead concentrate on empirical and mundane factors some of which have been discussed above.

It is interesting to note that unlike north India there was absence of even orthodox reform movements. (i. e. reform movements of fundamentalist nature) in the 19th century in the region which now constitutes Maharashtra. It is quite important to note the reasons for the absence of such movements in this region. In north and north-east India the Muslim ruling classes had lost power to the British rulers and, thus, the atmosphere in these regions was quite ripe for militant reform movements like the Wahabi movement which was as much political as religious. Syed Ahmad Shahid organised his followers to fight against the British rulers. The north Indian Muslims felt an acute sense of crisis and a movement for fundamentalist Islam induced in them a sense of confidence and provided them with a cause to fight a holy war.

In such moments of crisis a sense of separate identity aggressively asserts itself. Both in north and north-east India, a sense of

aloofness and separateness gripped the Muslims. In case of Bengal Kazi Abdul Wadud commented :

“The Wahabis have of late renounced their war-like attitudes and devoted themselves towards the Islamization of the so-called Muslims of India...The ignorance of the well-intentioned Hindus of Bengal becomes obvious when they express their regrets (at the changing social attitudes of the average Bengali Muslim) and say, ‘The Muslim peasantry would always come to our pujahs; they would not mind even sharing food with us, but somehow it is no longer the same any more.’<sup>9</sup>

Rafiuddin Ahmed also tells us in case of Bengal :

The earlier *nasihat namahs* written as late as the seventies of the nineteenth century, often referred to the creator as ‘Sri Sri Huq’, ‘Sri Sri Iswar’ or ‘Sri Sri Karim.’ The increasing tendency now was to substitute such ‘un-Islamic’ honorifics as ‘Sri Sri’ by ‘purer’-i.e. Arabic and Persian-invocations such as ‘Allahu Akbar’ or ‘Allahu Ghani’. The style of addressing a person also showed the same trend, ‘Sri’, ‘Srijuta’ and ‘Sri Srijuta’ of an earlier era giving way generally to such Arabi-cised honorifics as ‘Janab’ ‘*Munshi* and ‘*Maulvi*.’<sup>10</sup>

However, in Maharashtra we do not find any systematic attempt at such reforms of fundamentalist nature as the Muslims in this region did not feel any immediate threat to their position as the Muslims of north and north-east did. The concrete situation of the Muslims in this region was quite different from that of their co-religionists in the north and north-east. The Marathwada region was under the rule of Nizam and so the Muslims in this region did not experience the same trauma of fall from power as did the Muslims of north and north-east India. Nizam’s rule gave them a sense of security. The Muslims of the Konkan region also did not feel any such problem of a fall from power. After the expansion of business prospects due to development of Bombay as an important port many of them began to migrate to this city and took to various professions. Even the mutiny of 1857 which had far reaching implications for the Muslims of north left them cold. The Muslims of west coast did not feel any imminent threat to their security or loss of eminence. Thus, they did-not feel any

immediate urge to assert aggressively a sense of separate identity as a psychological recompense. One may point out some isolated efforts at introducing certain reforms but there certainly was no counterpart of Faraizi or Wahabi movement in Maharashtra.

Again referring to the nineteenth century or beginning of twentieth century, there was no modern reform movement among the Muslims of this region either. In north and north-east there was some modicum of it. The feudal elite having lost political power in the north did not get greater share in the administrative and executive jobs. Although the urge was there at the sub-conscious level the former ruling elite was too immersed in feudal culture and ethos to take to modern education in a big way. It needed the foresight and courage of Sir Syed Ahmad Khan to launch a campaign for modern education among the Muslims. He also felt it necessary to cultivate a scientific outlook among his co-religionists in order to create congenial atmosphere for modern education and new emerging culture. He had to face great opposition from the fundamentalists who had already struck roots in the Muslim society during the course of their militant agitation against the British.

The situation of Muslims along the west coast was again quite different in this respect too. A large number of them was petty traders and hardly felt any need for higher education. Madrasa education coupled with secular education upto primary level was considered quite adequate for them. And the rural Muslims who depended on agriculture and fishery did not need even this much education. The rich merchants of Bombay who had functional need for education took to it quietly without much ado. In such conditions there was hardly any need for a sustained campaign for education and reforms.

There was a concerted effort for reforms in the Hindu society in Maharashtra during the late nineteenth century. Mahatma Phule, Lokhtiwadi (Gopal Hari Deshmukh), M. G. Ranade and Gopal Ganesh Agarkar were all advocates of modern reforms. It is often argued that the Muslims failed to produce such modern reformers. This proposition, I believe, needs to be examined more carefully. Even the galaxy of the reformers named above, despite their sincere commitment to the programme of reforms, could

not produce a widespread movement for thorough-going reforms in the orthodox social structure of the Hindu society. They can be said to have succeeded only, to a limited degree. In fact, their limited success was in keeping with the social conditions then prevalent in Maharashtra. As Marx has observed movement *on* the base of history is not possible without movement *in* the base of history although the two may not be necessarily mechanically related.

There was no thorough-going change in the social structure when Mahatma Phule and others were advocating reforms in the orthodox Hindu society. The changes in the base were painfully slow. Hence, Mahatma Phule and other reformers could not produce a movement flowering into a thorough-going social change. It must also be borne in mind that due to introduction of ryotwadi system in Maharashtra the fuedal power of the Peshwas was comparatively weakened and it became possible for the Maratha peasantry to assert itself to some extent. Among the Hindus of the north, on the other hand, no such development took place and the higher castes remained absolutely dominant throttling any possibility of reform movements to develop. Thus, one hardly finds the counterpart of Mahatma Phule, Lokhitwadi and others in north India. It is just the opposite in the case of Muslims. In the north there was at least a semblance of reform movement among the Muslims launched by Sir Syed and later sustained by Nawab Muhsinul Mulk, Maulvi Chirag Ali, Khuda Bakhsh and others whereas in Maharashtra there was no such movement among the Muslims. This could be explained only by taking the actual conditions of the two communities as explained above into account. Whereas the emerging Maratha power made it possible to launch an anti-Brahmanical movement in Maharashtra, the desire of the Muslim elite in north India to obtain greater share in power necessitated development of modern educational and reform movement. However, the reform movements, both among the Hindus in Maharashtra and the Muslims in the north remained on the periphery and never assumed the proportion of a mass movement.

### **Critical Evaluation of Muslim Satyashodhak Samaj**

In recent times, two reform movements namely the movement for common civil code launched by Mr. Hamid Dalwai and the movement for reforms in the Dawoodi Bohra Community have

attracted wide public attention. Both the movements have their epicentre in Maharashtra and are modern in their essential thrust. It is necessary to critically evaluate the impact generated by these movements.

First let us deal with the social reform movement associated with Mr. Dalwai. He founded the Muslim Satyashodhak Samaj in Pune to propagate the cause of social reforms among the Muslims. Referring to the foundation of this Samaj, Prof. A.B. Shah, the close ally and great enthusiast for reforms among Muslims, says, "During the seven years before his premature death, he (Hamid Dalwai) was able to lay the foundation of what may eventually flower into a powerful, grass-roots movement for social reform among the Muslims of India. The establishment of the Muslim Satyashodhak Samaj at Pune—reminiscent of Jotirao Phule's Satyashodhak Samaj, which also was founded in Pune—would suggest that the belated renaissance of the Muslims in India may at last begin in Maharashtra."<sup>11</sup>

I am afraid Prof. Shah's expectations as to the success of Mr. Dalwai's efforts and flowering of renaissance among the Indian Muslims were based more on wishful thinking than on the concrete situation and objective facts. Mr. Dalwai's movement for reforms, it must be admitted, left no impact on the Muslim society, let alone initiating a process of renaissance among the Muslims. One must seriously examine the reasons for this failure. I would try to briefly analyse the reasons thereof.

Mr. Dalwai's main thrust was to advocate the cause of common civil code in order to abolish the practice of polygamy and unilateral divorce prevalent among the Muslims. Occasionally, he took up the question of education also but it was subsidiary to the movement for common civil code. There were two reasons for Mr. Dalwai's failure : one principal and the other subsidiary. First let us deal with the principal reason : For any movement for social change, it is very necessary that adequate pressures must develop necessitating the change being campaigned for. The process for change in this respect is far more important than the fact of change itself. A community experiences the pressure for change only when it is undergoing a process of social change profound enough to generate pressures for change at the ideational level.

Needless to say, the Muslims as a whole have not experienced a thorough-going social transformation and have not been able to produce a large middle-class which has functional need for social reform. The pressure for reform develops in a situation of social dynamics rather than that of social stasis. For an idea to grip the imagination of a people, it must have organic roots in the society. The ideas and institutions continue to grip the imagination of people, especially if they have religious sanction, unless they become thoroughly dysfunctional at social level, society having undergone a profound change. Worn out ideas continue to serve worn out societies. Social stasis, rather than religion, is largely responsible for the lack of response for reforms among the Muslims in India. Abstract ideas cannot generate mobilizatory pressures. It is not enough for an idea to be desirable; it must also be useful, in order to be acceptable by a social group.

Here one cannot ignore the role of traditional leadership either. Traditional leadership can maintain its hold only on traditional social structure. Any suggestion for change threatens their interests. Greater the hold of this leadership over the society, greater will be the resistance to change and, needless to say, greater is the hold of traditional leadership in the situation of social stasis. "The capitalist entrepreneur", says Antonio Gramsci, "creates, alongside himself the industrial technician, the specialist in political economy, the organisers of a new culture, of a new legal system, etc."<sup>12</sup> Gramsci terms these intellectuals as organic intellectuals. Gramsci further says, "However, every 'essential' social group which emerges into history out of the preceding economic structure, and as an expression of a development of this structure, has found (at least in all of history up to present) categories of intellectuals already in existence and which seemed indeed to represent a historical continuity uninterrupted even by the most complicated and radical changes in political social forms."<sup>13</sup> The later category is called by Gramsci as 'traditional intellectual.'

In a developing society there is always struggle for dominance ideologically and otherwise between these two categories of intellectuals. "One of the most important characteristics of any group that is developing towards dominance", says Gramsci,

“is its struggle to assimilate and to conquer ‘ideologically’ the traditional intellectuals, but this assimilation and conquest is made quicker and more efficacious the more the group in question succeeds in simultaneously elaborating its own organic intellectuals.”<sup>14</sup>

As pointed out earlier, the Indian Muslims have not thrown up even a large size of middle-class let alone a modern entrepreneurial class. The question of intense ideological struggle between traditional and organic intellectuals, therefore, does not arise as far as the Muslims are concerned. The domination of traditional intellectual goes unchallenged. There is one more aspect of the problem that needs to be taken into account in case of Indian Muslims : their minority status. Minorities, however enlightened (here we are not referring to minorities holding economic or political power), always live under a sense of perceived or real threat and hence develop a sharp identity consciousness. Weaker the position of a minority, sharper is this sense of identity. Modernisation calls for greater degree of cultural assimilation and hence results in diluting the separate sense of identity and is, therefore, resisted by minorities. These are some of the aspects of the principal reason for the failure of the modern reform movement among the Indian Muslims.

The subsidiary reason for its failure was the wrong strategy followed by Mr. Dalwai. Looking to the objective situation of the Indian Muslims any reform movement has to be based on reinterpretation rather than rejection of religion or scriptural texts. Hamid Dalwai began with the rejection of the authority of religion. In the process he may have got his secular credentials established but lost his case for reforms among the Muslims. Also, Dalwai lacked thorough knowledge of Islamic theology, was incapable of arguing his case coherently and logically on the basis of religious scripture and based his case for reforms entirely on the authority of Indian constitution. Even the religious authority of the eminence of Mufti Muhammad Abduh of Egypt had to struggle very hard against the traditional ulama to get his programme of reforms accepted. Mr. Dalwai had no theological weapons in his armoury at all.

The second aspect of Mr. Dalwai’s strategic mistake was his sharp and often unbalanced attacks on Muslim communalism.

Communalism is a political phenomenon and must be fought politically. A social reformer has a very delicate task and has to work out his priority very carefully. Instead of attacking vested interests Mr. Hamid Dalwai gave the impression of attacking the entire community and, thus, earned its wrath. He also neglected the genuine problems faced by the Muslims in order to win their sympathy for his programme of reforms. Abstract ideas for reforms do not inspire people unless linked with their concrete problems. For these reasons Hamid's movement proved to be a non-starter. Hamid Dalwai had neither the intellectual equipment nor proper strategic understanding to fight one of the most difficult battles for social change.

### **The Bohra Reform Movement**

This movement too has attracted wide public attention during the last few years. In this case the fight is against the stranglehold, the high priest maintains over his followers. One has only to read the text of the oath of allegiance one has to swear on achieving the age of puberty to understand the seriousness of the problem.<sup>15</sup> The high priest demands nothing less than total surrender and mental servitude from his followers. It is nothing short of the papal authority as it used to be exercised during the medieval period, perhaps a shade worse. The Bohra reformists are fighting against such total control exercised in the name of religion by their high priest.

Since the Bohra priesthood indulges in extortionate practices and ruthless exploitation, the community, smarting under its blows, has sympathetic attitude towards reformists and the case for reforms assumes much pressing urgency. The question, therefore, arises why the reformists have not been able to break the high priest's stranglehold? The principal reason here is combination of religious authority with money power and this is formidable combination by any account.<sup>16</sup> Like in politics, it is interesting to note, black money plays a formidable role in crushing the voice of dissent within the Bohra community. A section of the Bohras are rich traders and accumulate great deal of black money a part of which goes to the high priest either under coercion or in cases even voluntarily to win recognition within the community. The Bohra priestly hierarchy has proved to be very shrewd operator. The

high priest has devised many titles<sup>17</sup> (of religious and semi-religious nature) which are awarded on payment. The amount is usually upwards of 52,000 and at times may be as much as 5,52,000 or even more. All this, needless to say is paid in black and finds its way into the private coffers of the High priest.

Recently, a large number of the Bohras have gone to the countries of the Middle East as well as to those of Europe and America. The high priest too has taken to globe trotting and collects huge sums from his followers abroad mostly through coercive means. It has added greatly to his income. It is for this reason that the high priest and other members of his family spend most of their time abroad. All this money collected either by awarding titles or by levying various taxes from home as well as abroad go to swell the private fortunes of the priestly family and keeps on adding to its power.

Needless to say, this money is used to buy political influence and thus thwarting any governmental intervention to check various malpractices. Due to this money power, the reformists find it extremely difficult to make a sizeable dent in the citadel of the priestly establishment. The glowing power of black money which goes to strengthen the Bohra religious establishment and frustrates the efforts at reforms is a phenomenon worth studying in detail. It is, no doubt, integral part of widespread corruption in the country. It is also interesting to note that using its money power the Bohra priesthood has bought support of many Muslim religious institutions and leaders to thwart any possibility of government intervention.<sup>1</sup> It is not or nothing that Yusuf Najmuddin, the younger brother of the high priest, became treasurer of the Muslim Personal Law Board which is instrumental in opposing any change to the Muslim Personal Law. Earlier the Bohra priesthood had never taken any interest in such matters in the general Muslim affairs due to sectarian animosity with the Sunni Muslims. The opportunism of a section of Sunni Ulama (the Shi'a ulama have shown more sympathy to the reformist cause) who wield political influence has tended to put formidable obstacles in the way of reforms.

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## **MUSLIM PERSONAL LAW : SHOULD IT OR SHOULD IT NOT BE CHANGED ?**

Muslim Personal law, it appears, has become the main issue of Muslim politics in India. From time to time conventions and meetings are held to demand that the Government should keep its hands off Muslim personal law else the Muslims all over India would raise banner of revolt. In the beginning of October, '77, an all India Milli convention was held in Delhi. The traditional Muslim leadership which mainly consists of orthodox mullahs held the sway at the convention and, not very surprisingly—strange though it may appear to many non-Muslims—six out of the seven resolutions passed were related in one way or the other to Muslim personal law. In the middle of the same month—incredible though it may seem—another meeting was held on all India scale in Ranchi to oppose any government intervention in the personal law. The government, it is interesting to note, has made no declaration of its intention to propose any change in the shariat law as it operates today in India. It appears as if the traditional Muslim leadership has acquired a vested interest in this issue. They are completely oblivious of the real issues facing the Muslims today. Indian Muslims, economically and educationally speaking, are most backward in comparison with other sections of Indian population. The Muslim leadership in its history of last couple of decades has never seriously grappled with these issues. It has

always been easy for them to find their way up the ladder by appealing to the religious sentiments of their fellow-religionists. Muslim backwardness makes their task easier and hence they are not seriously interested in improving their economic lot.

The pressure of this orthodox lobby is so strong that even some progressive and liberal Muslims like A. M. Khusro, vice-chancellor of Aligarh Muslim university, Badruddin Tayebji etc., who otherwise stand for progressive change and liberal reforms, have caved in under it. They had attended the Milli convention referred to above and were party to the resolutions passed therein. They were, it appears, so overawed by the traditional leadership that they meekly accepted another resolution dubbing the Tarkunde commission set up to inquire into the alleged persecution of the reformist Bohras by their high priest as 'gross interference in the religion of minority community and their personal law', as if persecution of those who oppose oppressive and exploitative establishment of priesthood is also a part of the Muslim personal law in India. Younger delegate who wanted discussion on the problem were not allowed to speak.

Before broaching the issue of desirability of change or otherwise, let us clearly understand what Muslim personal law is about and its brief history so as to see the whole issue in proper perspective. All Muslims in the world, whatever sect they belong to, accept Koran as the holy scripture and a source book for all their laws. The Muslims further believe that the Koran was revealed to the Prophet and hence all its laws are divine and immutable. No human being, not even the Prophet himself, can change a word of it. The holy Koran does contain, undoubtedly, either hinting at, or giving details of, the laws of marriage, divorce, inheritance as well as those pertaining to crime and punishment. Certain aspects of these laws have been dealt with in detail whereas others have been dealt with only summarily depending on the situation which the Prophet had to deal with. However, the Prophet's traditions which were compiled later on scrupulously and painstakingly by some eminent Muslims also throw great deal of light on various aspects of these laws. Despite the fact that a well compiled corpus of these traditions was available, all the Muslim ulama or theologians could not agree later on, on all

the issues pertaining to marriage, divorce, inheritance and other laws including those of crimes and punishments.

The Islamic shariat as it is known and practiced today was compiled more than hundred years after the death of the Prophet. The broad outline of the shariat laws was no doubt, drawn from the Koran, but for details and the newer issues which arose from time to time in differing circumstances, recourse had to be made to sources other than the Koran like the Prophetic traditions, or practice (sunna), consensus (ijma') and lastly creative interpretation (ijtihad). The Arabian society of the Prophet's time was comparatively simpler and less sophisticated. The Muslim society as it came into existence after the conquests of various non-Arab countries was much more complex and threw up hitherto unknown problems. The Muslim theologians had to interpret the Koranic verses in the light of these new developments and various prophetic traditions and practices had to be resorted to, to establish one point of view. It was for this reason that there never was unanimity on all the issues between the most eminent theologians. There arose four schools of jurisprudence among the Sunnis themselves besides the Shia Ithna ashari, Shia Ismaili and other minor schools, each school differing from the other on substantive as well as non-substantive issues. The differences arose practically on every issue from marriage and divorce to inheritance and crime.

Some of the important features of the Islamic shariat over which there is broad agreement among the various schools of jurisprudence are as follows: Marriage is contractual and man has permission to marry up to four wives; as the marriage is contractual it can be dissolved by either party some schools giving this right to divorce to man only (the Hanafite school which is followed by the majority of Indian Muslims does so); children of the predeceased son i. e. the grand children of the deceased's father will be deprived of their right to inherit grand father's property; a thief's hands are to be cut off (although there is no agreement as to what extent of theft and in what circumstances); stoning the adulterer and adulteress to death (although the Koran prescribes only 100 stripes and does not mention stoning to death, it is difficult to establish how this punishment came to be prescribed); and life for life, tooth for tooth and eye for eye, if blood

money or any other form of compensation to the next of the kin or the sufferer himself is not acceptable. Apart from these there are many other aspects of social and religious life which are dealt with in the Islamic shariat. We need not deal with those aspects here as they do not fall within the purview of the present controversy regarding the Muslim personal law,

Now as far as the criminal matters like theft, murder, adultery etc. are concerned, the Britishers abolished the Islamic laws pertaining to them before the end of the last century. There was not much opposition to their abolition from the Muslims although some ulama did protest. The Britishers promulgated their own criminal code which was based on Roman Law. Some theologians like Maulvi Nazir Ahmed supported the British move and translated the criminal code into Urdu. However, the Britishers did not touch the marriage and divorce laws or the laws of inheritance except where it was thought to be absolutely necessary. Thus, Tahir Mahmood, in his book, 'Muslim Personal Law' says: "As regards Muslim law, in a letter addressed to Lord Mansfield he (i.e. Warren Hastings) asserted that it was 'as comprehensive and well-defined as that of most states of Europe.' The other considerations for retaining the personal laws of various communities by the Britishers were, among others, that it would be a wanton tyranny to require the obedience of Indians to other laws of which they were wholly ignorant; the Islamic Hindu laws shall be found to contain nothing hurtful to the authority of the government or to the interests of the society and that those laws were consonant to the ideas, manners and inclinations of the people for whose use they are intended. The Britishers, however, did enact acts like the Mapilla Succession Act of 1918 or the Cutchi Memons Act of 1920 to regulate certain practices prevalent among those communities.

Thus, we see that what is called the Muslim Personal law to-day is not prevalent as a legal body of divine commands—this should be noted carefully—but as a piece of legislative enactment by the Britishers and is known as the Shariat Act of 1937. Again in 1939 an act known as 'Dissolution of Muslim Marriages Act' was promulgated. Thus, in British India, from 1772 onwards, Islamic law as it was administered locally fell under the influence of English legal thought, and an independent legal system, sub-

tantially different from Islamic law according to Hanafi, and for the Shia' minority, according to Shi'i doctrine, came into being. This is properly called Anglo-Mohammedan Law.

### **Anti Changers**

After having examined the historical background of the Muslim Personal Law, let us examine the arguments of those who oppose any change as well as those who advocate change in it. First we will deal with antichangers. Their main argument is that the Muslim Personal Law is based on the Holy Koran and it being a divinely revealed book has sacred and immutable character and hence everything dealt with in the Koran is immutable. No human being can tamper with those laws. God has prescribed these laws in His wisdom and, therefore, are in the best interest of humanity. Man with his finite reason and understanding cannot always comprehend God's ways. Polygamy has been permitted in the Koran as it is the best way of chekmating the sexual vices prevalent in the society at large. Monogamy is mere hypocrisy as by nature man is not monogamous but polygamous. Enforcement of strict monogamy results in promoting the institution of prostitution. Moreover, during pregnancy or menstruation it is better that man have other legally married wife rather than going to other women. Also, if ones wife is barren, physically afflicted or mentally sick, is it not more humane to retain her and marry another woman rather than divorcing her as monogamous practice would require? The western monogamous society has led to sexual permissiveness which is unethical and immoral. The Islamic laws are in keeping with human nature as they take these realities into account.

When pointed out that most of the Muslim countries themselves have applied restrictions on polygamy including Pakistan, the Indian Muslims who are opposed to any change in the Personal Law of the Muslims point out that those countries have Muslim majorities and, if found that those changes do not bring about the desired result, the process can be reversed and the original practices restored. No such guarantee is available in the country like India where Muslims are in minority. Also, being in minority, Muslims are always apprehensive of their religion and culture being in danger of extinction and, hence, their conservatism

and resistance to any change. This is the sum and substance of the arguments in favour of retaining the Muslim personal law.

### **Pro Changers**

Those who favour change (but not necessarily government intervention) argue that though the Koranic verses are immutable, their interpretation is not. In fact, even the eminent theologians have not been unanimous in interpreting the divine commands and that is why there have been so many schools of jurisprudence. The Mu'tazalites who constituted the first rationalist sect of Islam were, in the second century of Islam, against polygamy on the grounds that the Koranic condition of strict equality to be maintained between all the wives is not easy to be observed and hence polygamy is most difficult, if not impossible, to be practiced. Also there are many prophetic traditions disapproving of divorce (one tradition even says that the most abhorrent act in the eyes of God is that of divorce) and hence unilateral divorce (it is more prevalent among the followers of Hanafite school) is to be, as far as possible, avoided. Thus, the Mu'tazalite Muslims were first to oppose polygamy and unilateral divorce which constitute the core of Muslim personal law today in India.

Those who favour change also point out that the holy Koran itself distinguishes between Sharia and Din. Shariat, as per one of the Koranic verses, varies from people to people whereas Din is immutable. Maulana Abul Kalam Azad, an eminent theologian and a scholar of international repute, commenting on the Koranic verse, "to each among you (your groups) have we prescribed a law (shar'a) and an open way" says "...mark that the term used here is not Din which should be the same for every one. That admits of no variation. Shar'a and Minhaj (way) could not have been from the very nature of things uniformly the same for one and all. It was, therefore, inevitable that they should be different for different countries at different times." Thus, the pro-changers argue that it is wrong to consider polygamy or unilateral divorce as divine commands. These were the social practices among the Arabs which were allowed to be practiced by Islam. The polygamy and divorce are permissive, not obligatory. They are not essential ingredients of Islam and can change with time and place. Islam, for certain reasons, had allowed slavery while discouraging

it on religious plane. Slavery was totally abolished in the modern times. Same is the case with polygamy and divorce. Though Islam allowed these institutions as historical necessity, the Prophetic traditions discouraged them and modern conditions demand their total abolition. They do not form part of the Din, but are part of shariat law which is subject to variation.

Most of the Muslim countries including Pakistan (except Saudi Arabia and Libya) have introduced changes and there are no signs of their reversing the trend as the modern conditions militate against polygamy and unilateral divorce. It is merely argument for argument's sake, pro-changers point out, to say that they can reverse the trend whenever it is so desired. Today's conditions do not warrant such a reversal. Also, the pro-changers point out that the cases of physical affliction, barrenness, etc. are exceptional cases and in such cases and only in such cases exception should be made to the practice of monogamy. As for sexual immorality, the pro-changers argue, history does not uphold the claim that polygamy puts an end to it. Immoral trafficking has existed even among the polygamous societies. Such arguments, at best, are mere rationalisations of the existing practices.

As for the argument of interfering with the religion of minority, the pro changers point out that the Indian Muslims have already accepted the abolition of the Koranic punishments for theft, adultery, murder, etc. Did it not amount to interfering with religion ? they ask. In fact, they argue, great Muslim thinkers like Shah Waliullah, Maulana Abul Kalam Azad, Dr. Iqbal etc., thought that certain aspects of Islamic shariat like punishment for various crimes, marriage, divorce etc were characteristic of that society and can be suitably changed if the socio-economic conditions change. A prominent Muslim from Patna once told me that certain changes in Muslim Personal Law are must and went on to ask 'will our Ulma agree if Muslim's hand is cut off for theft while a non-Muslim is only jailed ?' or a Muslim adulterer to be stoned to death while others get away by jail term ?' 'Why do they then want Muslim women to suffer from certain disadvantages in respect of marriage and divorce ?'

Of course, in the matter of change, one factor is to be reckoned with and sincere pro-changers do appreciate it. Muslims

are in a minority in India and have certain religious susceptibilities. Nothing should be done to exacerbate it. Some persons have done more harm than good by advocating government's intervention right away in this matter. Traditional Muslim leadership got an opportunity to arouse Muslims and divert attention from the real economic problems. What is needed is sincere and devoted work by some educated Muslims who also have good knowledge of religion to prepare climate for change. This is the only way to knock the ground off Mullah's feet who have vested interest in keeping this agitation for no change alive.

## MUSLIM FAMILY LAW : SOME MISUNDERSTOOD ASPECTS EXPLAINED

The personal law—known as *ahwal as-Shakhsiyya* in the terminology of the Islamic jurisprudence (*shari'a*)—covers matters pertaining to divorce, marriage, inheritance, property, rights etc. In India the controversy about the Muslim Family Law mainly pertains to divorce, polygamy and inheritance. The popular concepts, no doubt largely based on reality of practice of Muslim personal law in India today are as follows : (1) that divorce is quite arbitrary in Islam,(2) Muslims enjoy the privilege of taking four wives and they do tend to take more than one wife normally and (3) that Muslim women are entitled only to half the amount of inheritance their brothers are entitled to. Other questions like dower, custody of children, waiting period ('iddah) before remarriage (either after divorce by or death of, husband) etc. are not very much in lime light.

Here we would like to throw some light on these questions—mainly divorce, marriage and inheritance—not to offer any apology but to explain the genesis of these laws pertaining to personal matters. This is necessary in order to remove much misunderstanding prevailing both among Muslims as well as non-Muslims about these questions.

It must be understood right at the outset—whatever the '*ulama* and theologians might say—the Quran does not impose

any rigid rules beyond the convenience of human beings. Thus Mohammad al-Khadari, a leading Egyptian Jurist, maintains that the Quran has laid down three fundamental principles for developing *fiqh* i.e. jurisprudence namely (1) convenience, (2) minimising trouble (3) gradualism.<sup>1</sup> He then goes on to quote the relevant Quranic verses to prove his point. In one of the verses it is indicated that the Prophet's function is to remove the burden from them (the people) and the shackles they carry. Again the Quran says that "Allah does not charge a soul with more than it can bear."<sup>2</sup> The Quran also teaches people to pray, "Our Lord! Lay not on us such a burden as thou didst lay on those before us ! Our Lord! Impose not on us that which we have not the strength to bear!"<sup>3</sup>

It, thus, becomes the fundamental principle of Islamic jurisprudence that convenience of human beings should be borne in mind while framing any law they are supposed to follow. And, women are very much part of humanity. The Quran promises equal reward to womenfolk for whatever they do. The Quran clearly proclaims, "And whosoever does good works, whether of male or female, and he (or she) is a believer, such will enter paradise and they will not be wronged the dint in a date stone."<sup>4</sup> From this verse and from other other verses of the Quran<sup>5</sup> it can be easily inferred that the holy scripture of Islam intends to maintain equality between the sexes.

However, one should not forget the social context within which the reforms are intended to be carried out. The Prophet of Islam was not operating in a vacuum. He was confronted with a definite socio-economic context. He could not have succeeded, had he ignored the social structure within which he operated. The background of the verse 4:34 of the Quran clearly proves this point. This verse accords superiority to man. But an important commentator of the Quran Zamakhshari claims that the "the verse only refers to the social existing superiority of men and has no relevance to control, subjugation or oppression (of women). He relates that Sa'id b. Rabi'a, one of the renowned leaders of Ansars (helpers of the Prophet) slapped his wife Habiba because of her disobedience. Her father Zaid b. Zuhair took her to the Prophet and complained of the behaviour of his son-in-law. The Prophet's first reaction was that she should have a right to

retaliate. But since this could have created a real uproar in a society where man had complete control, the verse was revealed as a soothing advice to control the violence of man towards women and advising women to adjust themselves in a society which was absolutely male-dominated. It was an interim decision and not an eternal one.”<sup>6</sup>

It can be easily inferred from this that the Prophet of Islam had to take social context into account while prescribing rules as regards relationship between men and women. Unfortunately, the Muslims jurists, in a male dominated society, eternalised these rules and declared the status of women to be inferior to men under all conditions. If one takes the overall spirit of the Islamic scripture into account one would not be left in doubt about the fact that it intended to accord equal status to men and women. However, the social context was a prohibitive factor and this factor could not have been trifled with. Given the constraints of the situation the relations of production could not have been changed and without changing the relations of production it was not possible to transform the entire social structure.

The status of women in the male-dominated society of Arabia was certainly inferior to men. Women had no decisive role to play in either production or exchange of commodities in Arabian economy. It is also worth noting that in the Arabian economy of the Prophet’s time it was the exchange of commodities, rather than their production, which played decisive role. The caravans had to cross highly inhospitable deserts to ferry commodities for exchange with the affluent centres of Roman empire in the fertile crescent. In the patriarchal Arabian society women had to stay back looking after the children and so they could not play any important economic role. They, thus, acquired inferior social status. This reality could not be wished away without first radically transforming the socio-economic structure. Thus, the Quran gives inferior status to women in socio-economic terms (not in socio-religious context as is clear from the verse 33:36 quoted in footnote (5) only making the reason very clear. “Men are in charge of women” declares the Quran, “because Allah hath made the one of them to excel the other, and because they spend of their property (for the support of women).”<sup>7</sup>

Thus, we are left in doubt by the Quran as to why men are made in charge of women. They spend of their property to

look after them and they protect them. If the social structure changes to reverse this role of the sexes, the women, by the same logic, would acquire superior role. In our society more and more women are playing role in production and exchange of communities or in rendering socially useful services and hence their inferior role cannot be taken for granted any longer. The commentators of the Quran have divided the Quranic verses in two categories (apart from other categories, of course): (1) *Mudallilah* i. e. the ones in which reasons for divine injunction have been spelled out and (2) *ghair mudallilah* (the ones in which no reasons have been spelled out). In the above verse reason for according inferior status to women has been clearly spelled out and once this reason ceases to be valid, the inferiority of women's social status also ceases to hold good. The *ghair Mudallilah* verses mostly pertain to metaphysical aspects of religion.

The verses pertaining to polygamy are also *Mudallilah* verses i. e. the ones clearly spelling out reasons for permitting polygamy. The polygamy would cease to be permissible if the reasons mentioned no longer hold. The verse on polygamy also occurs in a definite socio-economic context in the Quran. There was the problem of orphan girls and their properties. Many of their guardians used to misappropriate these properties or exchange their good ones by their own bad ones. The guardians were allowed to marry these orphan girls upto four as a lesser evil to their unlawfully consuming their properties.<sup>8</sup>

The question then arises why God permitted four wives in order to combat the evil of misappropriation of orphan girls' properties? Is it not replacing one evil by the other? The only reasonable answer to this question is that one must not try to project our modern consciousness into past with radically different social context. The Arabia of 7th century A. D. could not admit of absolute equality of sexes. Various verses of the Quran indicate that on normative plane this equality was decreed by God but on pragmatic plane social management does acquire priority which God in His wisdom did accord.

The Quran was also deeply concerned with the project of improving the lot of women, oppressed and weak as they were, in the Arabian context. Apart from vesting them with property and other rights—right of marital contract included

—it also required of men to treat them with dignity and avoid iniquity in behaviour towards them. The verse on polygamy also exhorts the husbands to maintain equality in behaviour towards all wives or otherwise take one wife only.

It must be noted that both the verses on polygamy in the Quran are with specific reference to the orphan girls and their properties. The verses run as follows :

“Give unto orphans their wealth. Exchange not the good for the bad (in your management thereof) nor absorb their wealth. Lo! that would be great sin.

“And if you fear that you will not deal fairly by the orphans, marry of the women (from amongst the orphans), who seem good to you, two or three or four; and if you fear that you cannot do justice (to so many) then one (only) or (marry the captives) that your right hands possess. Thus it is more likely that you will not do injustice.”<sup>9</sup>

The other verse on polygamy says.

“They consult thee concerning women. Say : Allah giveth you decree concerning them, and the scripture which has been recited unto you (gives decree) concerning female orphans upto whom you give not that which is ordained for them though you desire to marry them, and (concerning) the weak among children, and that you should deal justly with orphans. Whatever good you do, lo ! Allah is ever aware of it.....

“You will not be able to deal equally between (your) wives, however much you wish (to do so). But turn not altogether away (from one), leaving her as in suspense. If you do good and keep from evil, lo ! Allah is ever Forgiving, Merciful.”<sup>10</sup>

Thus, it is obvious that both the verses concerning polygamy have been revealed in the context of orphan girls and their properties. It is for this reason that the noted commentator of the Quran, Zamakhshari maintained that the permission for polygamy has been given by God only in case of orphan girls and their guardians. The guardians have option to marry their wards if they cannot resist the temptation to misappropriate their wards properties. This is treated as a lesser evil by the Quran. Thus,

the permission for polygamy is not a general license. All Muslim males, according to Zamakhshari, do not have permission to marry four wives as maintained by the mainstream theologians and jurists. Secondly, even in case of guardians of these orphan girls strict condition to treat all the wives equally has been laid down. The M'utazila theologians who considered reason and justice fundamental to their theology inferred from the words of the Quran "You will not be able to deal equally between (your) wives, however much you wish... .." that this condition of treating wives equally cannot be fulfilled and hence polygamy is as good as banned.

The Quran, as pointed out earlier, had to choose between polygamy for the guardians of the orphan girls and protecting the properties of this weaker section of the society. And, in the then prevalent social milieu it was better strategy to secure property as it would make female stronger than otherwise. With properties secured, these orphan girls could have fought more effectively for their conjugal and other rights. It is not difficult to infer from the discussion above that in the changed social context it would be injuring the Quranic spirit of social and conjugal justice to retain the institution of polygamy except for some extraordinary circumstances.

The provision for divorce also has been much more misused in the male-dominated society. The Quran cannot be said to have encouraged arbitrary divorce. Even if a man desires to take another wife divorcing the former one, the Quran lays down that he cannot take the dower or gifts given to her back from her. "And if you wish to exchange one wife for another", says the Quran "and you have given unto one of them a sum of money (however great), take nothing from it. Would you take it by the way of call money and open wrong?"

The Quran also did not want to reduce women to—what we would call in today's parlance—as mere sex object or object of men's lust. The Quran says unequivocally, "Lawful unto you are all beyond those mentioned, so that you seek them with your wealth in *honest wedlock, not debauchery*."<sup>12</sup> (emphasis supplied). The Quran throughout lays emphasis on the personality and dignity of women and strongly condemns any attempt to reduce her to an object of lust.

Divorce is certainly not arbitrary as it has become today in a male dominated society. The Quran lays down that either woman should be retained with honour or released with kindness.<sup>13</sup> These words are pregnant with ethical responsibility. Further the Quran says, "When you divorced women, and they have reached their term (period of waiting i.e. *idda*), then retain them in kindness or release them in kindness. Retain them not to their hurt so that you transgress (the limits). He who does that has wronged his soul."<sup>14</sup>

Thus, it becomes very obvious that divorce has been prescribed by the holy Quran not to harass or subjugate the woman but to avoid causing her hurt. Either one must retain her in wedlock with due honour or release her with kindness if marriage becomes incompatible. Moreover, the Quran has no provision for divorce thrice in one sitting (the arbitrary use of word *talaq*, *talaq* *talaq*). The divorce formula pronounced thrice in one sitting was in fact introduced later during the period of second caliph Hazrat 'Umar by way of punishment. It has no Quranic sanction. Imam Ibn Taimiya, the fourteenth century jurist, maintained that three divorces in one sitting had no basis in Islamic *shari'a*. Fazlur Rahman, therefore, rightly points out "...that something that was intended as a penalty itself became a major crime against society—particularly in the lower strata of the society where a man in a fit of temper would very often resort to this form of divorce—until the recent family reform laws were enacted in most Muslim countries."<sup>15</sup>

The Quran also makes it clear that the divorced women have every right to marry again, if they so desire. The widows can also marry of free choice and during the period of waiting (four months and ten days, in case of death of husband) they can even be conveyed or hinted at for marriage. "Such of you", says the Quran, "as die and leave behind them wives, they (the wives) shall wait, keeping themselves apart, four months and ten days. And when they reach the term (prescribed for them) then there is no sin for you in aught that they may do with themselves in decency. Allah is informed of what you do."<sup>16</sup>

The Quran, in short, nowhere appears to be unfair to women in spirit. It does grant superior status to men in certain respects but it is more in view of the social context rather than as a

normative prescription. In other societies women did not enjoy right to property or inheritance as late as twentieth century. The Quran gives her right to property as well as to inheritance. The Quranic law has been criticised for giving daughter in inheritance half that of son. But one must also remember that men were charged with the duty of spending their money for looking after their wives and children, women having no such responsibility. Moreover, she also receives dower from husband and also inherits both as mother and as wife, according to the Quranic law. The man, on the other hand, not only has to look after his wife and children as a matter of duty but also has to pay dower while marrying.

Thus, Ikhwanus Safa, the encyclopaedic works of 10th and 11th centuries interestingly point out, while discussing the position of women :

“Brother many of the intellectuals, who engage themselves in the study of philosophy and metaphysics when they reflect with their rationality upon the Divine laws and compare them with their own thoughts, discretions and understanding, their judicious acumen (*ijtihad*) and comparative reasoning (*Qiyas*) lead them to feel that most of the divine prescriptions appear to be against justice, truth and rectitude. All this is because of their deficiency in understanding, paucity of discretion and law of knowledge about the essence of secrets of Divine law. For example, when they reflect upon the rule inheritance that a male will have twice the share of a female, they feel that the correct position should have been the female getting twice the portion of male. For women are feeble and have no venues for earning money. They (the intellectuals) do not know and understand that the rule laid down in the Divine law actually lead to what they hint at and desire for.”

“When the Divine law laid down that the male will have twice the portion of a female, it also laid down that the man has to give dower to women in marriage. This should lead to the position where a female gets twice the portion of the male.”<sup>17</sup> It would thus be seen that the law of inheritance for women is not as iniquitous as it is made out to be. But, wherever it tends to be iniquitous due to other factors it must be made to benefit the women as it is intended to be by the law giver. Spirit of law

is far more important than its letter. In feudal India Muslim women have been by and large deprived of their share in inheritance in the name of non-division of land. Even today the law goes by default when it comes to giving the share to women. One must see that it is strictly implemented.

Moreover, there is nothing in the Quran which might imply inferior status of women as a class. While the Quran exhorts women to be obedient to their husbands (such a requirement is rather contingent on prevalent social structure than a matter of principle as explained in another context above) and observe chastity, it also requires men to be kind and just towards their wives and not to ill treat them. And sexual waywardness is as much prohibited for them as for women.

There is no doubt that the medieval theologians interpreted the Quranic laws to suit the requirements of their male-dominated society and thus women came to be accorded inferior status. The 'ulama, we must understand could not have gone out of their social context. But their interpretation should no longer be binding upon us, if our social context has changed. Recently, the Government of Pakistan sought to change the law of evidence which raised a furious debate in Pakistan about the status of women. The change, needless to say, was neither in keeping with the spirit of the Quran, nor was it justified in the social context. The women of Pakistan bravely fought against this change.

According to the Pakistan Times the women's organizations contended that "the cases of rape are almost a common ugly feature in our society. This crime is never committed in the presence of four witnesses required for establishing the *Hadd* punishment. Instead it is usually committed in a situation where no witnesses are available. In such cases, if the evidence of the raped woman is not accepted, it will encourage the rapists to commit this crime again and again." "In such cases", continues Rafiullah Shehab, "the majority of the Muslim jurists agree that the raped woman will not be subject to any *Hadd* punishment (*Bidayat al-Mujtahid* vol. II, p-317). But they have not suggested the method to punish the criminal who commits this crime. If the raped woman is debarred from giving evidence in such cases of *Hudood* which practically ruins her life, then the rapist will never be punished."<sup>18</sup>

There are six verses in the Quran wherein the necessity of evidence has been referred to. Out of these in five verses i.e. 4:6, 4:15, 5:106, 24:4, 65:2 and the famous verse which pertains to calling witnesses for monetary transactions from which theologians have deduced their opinion that two women witnesses equal one man's witness. The verse is as follows; "And call to witness from among your men two witnesses, but if there are not two men then one man and two women from among those whom you choose as witness, so that if one of the two is confused, the other may remember." Thus, it would be seen that in the five verses referred to above no sexual segregation has been done for witnesses; it is only in the sixth verse quoted in full above that men and women have been separately mentioned. But in this verse too, it would be wrong to infer that two women witnesses have been equated with one male witness. The wordings of the verse clearly say that witness is to be given by one woman only, the other would remind if the first gets confused. And, it is to be noted that this arrangement is also restricted to financial matters only. Women in those days were not well versed in financial matters. In other verses on bearing witness pertaining to other matters women have not been mentioned. Witnesses could be from either sex.

In fact, when Hazrat, 'Usman was murdered the only witness was his wife Naila and her witness was accepted by all the prominent companions of the Prophet. What is more important to note is that in the eighth verse of 24th chapter one woman's witness has been equated to four witnesses. The verse is as follows : "And it shall avert punishment from her if she bear witness before Allah four times that the thing he (her husband) said is indeed false, and a fifth (time) that the wrath of Allah be upon her if he speaks truth." Thus, we see that in certain circumstances even single woman's evidence on oaths four times has been treated as perfectly valid. It would thus be wrong to generalise from one verse on financial transactions ignoring several other verses which do not make any such provision that the Quran requires two female witnesses as against one male witness.

Here we cannot go into other details pertaining to various laws of personal nature but suffice it may to say that they need to be suitably reinterpreted in the context of our own requirements, keeping the basic spirit what is known as *hudud allah* in the

Koranic parlance, intact. Static law cannot meet the requirements of dynamic society.

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## UNIFORM CIVIL CODE AND INDIAN MUSLIMS

Architects of Indian constitution envisaged a secular foundation for the Indian nation. Immutability of divine or revealed laws-although the same may have great significance in the life of a particular religious community, was not accorded any place in the Indian legal system as it would have otherwise militated not only against the secular concept of legislation but also against other similarly revealed laws creating a perpetual arena of conflict. India aspires to be an industrialised and modernised country and, consequently, the divine laws either revealed or man-made in pastoral or tribal, slave-holding or feudal societies hundreds or thousands of years ago (except its relatively enduring component based on certain fundamental values) cannot become the basis of our new society. Desideration of the modern society necessitates a new conception of the world.

Writing about Gramsci, James Joll says using Crocean language, "When we succeed in introducing a new morality in conformity with a new conception of the world, we end up by introducing that conception of the world too, so that an entire reform of philosophy is brought about"<sup>1</sup>

However, although our vision is of a modern industrialised society, our reality is far from it. We are in the process of change. Change always caused tension and conflict even if it does not involve many complex processes. In our case it does. Ours is a multi-

religious society of which many religious groups are in small or big minority. What is worse, all the segments of our society are not at the same stage of moral and intellectual development. From tribal or pastoral groups to highly westernised and sophisticated intellectual elite, our socio-cultural continuum includes people at various stages of development and are of different doctrinal persuasion. The process of transition to a modern society is, therefore, very complex as well as painful.

As significant step forward was taken when the Hindu code bill was enacted in the mid fifties. It was no smooth operation although it could not be blocked. Prof. J. N. D. Anderson writes :

“Broadly speaking, the spectrum in India today represents a conflict of views between those who are pressing for the introduction of a uniform civil code, as envisaged in the Directive, principles of the Indian constitution and those who resist any such development. The demand for a uniform code comes, naturally enough, from the dominant community, which has radically reformed Hindu law—at least as far as legislative enactments are concerned in the Hindu Marriage Act, 1955. This Act, which prohibits polygamy and provides for judicial divorce on a basis of equality between husbands and wives, was forced through in the face of considerable opposition from Hindus of more conservative or traditional opinions; but this was comparatively simple in a country which, though officially secular, has a very large Hindu majority.”<sup>2</sup>

India is a secular nation and as such has to serve all her citizens irrespective of caste or religion on an equal basis and ensuring them all universally accepted human rights. This as well applies to the domain of conjugal relations, inheritance etc. as any other social or political domain. This was the vision of the founding fathers of the Indian constitution and was embodied in its directive principles. The Hindu Marriage Act was its partial realisation.

Why only a partial realisation of this grand vision ? Enactment of a Hindu code in lieu of common civil code smacks of religious segregation. Does it not ? Noble visions do give directions to our efforts but do not straight-away lead to the desired goal. We have to live down reality and reality is much more tortuous and complex than any vision assumes it to be. Before we proceed

further, I would like to make some comments on the enactment of the Hindu code. It has some relevance with the problem.

Most important thing to note in this connection is that Hinduism, unlike Islam and Christianity, is not a doctrinaire religion acceptance or rejection of which could put one in or out of its fold. Manu's code too is considered as a compilation of the then socially acceptable practices in respect of attitude towards women, conjugal relations, inheritance etc. among other things rather than a celestial law revealed to him. Moreover, there were bewildering variety of customs and usages some of which were quite primitive dating back to tribal era. Strictly speaking, many of these customs and usages did not have religious sanction. Retaining some of the practices which were not abhorrent, a new code was prepared and enacted in 1955. Even then some angularities remained. Thus, Narmada Agarwal points out :

“Although the Hindu Act has brought about an unprecedented amount of uniformity in the field of marriage law, there continues to exist diversity in many respects e. g. the Act leaves undisturbed the laws concerning Portugese Hindus, some native Hindus and laws rooted in customs. Thus, unreformed Hindu law with all its strange features applies to many Hindus throughout the country. Keralites, Goans, Barodites and scheduled tribals are some of them.”<sup>3</sup>

Thus, it will be seen that some of the Hindu customs and usages needed urgent reform. The reform was carried out through the legislative act despite strong opposition to it from the conservative Hindus. However, in case of the Hindus, the reform was comparatively less hazardous politically for two reasons. Firstly, the Hindus (of all denominations) constitute a dominant majority and, unlike the non-Hindu minorities, have no imagined fear of their religion or culture being in danger. It will be difficult to create any such hysteria by the politically motivated ultra-conservative leadership. Secondly, the process of industrialisation and modernisation has created a strong middle class among the Hindus which realises the urgency of modern reforms as the old outlook and attitudes become positive hindrances in further development of society. The old practices and social morse become an intolerable strain in the new situation.

\* The case of the Indian Muslims is different. While discussing any possibility for change, this difference must be borne in mind. One has to understand the totality of the situation if one wants to change it in a desired way. No use fretting at the obstacle. They are there. what is important is to devise ways and means either to remove them or to avoid them, charting out another course.

First thing to bear in mind is that Islam, unlike Hinduism, is a doctrinal religion with strong belief in the finality of its divine message. According to the traditional interpretation of Islam, the only law-giver is God and it is the duty of a good Muslim not to transcend the limits (hududalla) set by God. These limits have been set by God in the revealed scripture i. e. the Koran. The laws of Islamic Shariat have been derived from Koran and hence are immutable. No human agency can temper with them, let alone scrapping them altogether in favour of something like common civil code—a humanly conceived project.

The fastidiousness of belief in the immutability of these laws can be gauged from the fact that at one time there was furious debate between two sections of Muslims—one section holding fast to the belief that the holy Koran is uncreated and hence is indestructible like God while the other section firmly believed that God has created Koran and nothing is indestructible except God, the former party holding the upperhand. There were even violent clashes between the two parties. Though there were definite political motives behind such controversies, religious passions nevertheless were very strong (Resistance to change in the Muslim Personal Law, one should bear in mind, is as much politically motivated as religiously although the later element is quite significant).

Thus, it can be seen clearly that violent passions can be easily aroused to oppose any change in the Shariat laws as they operate today by a determined section of the Muslim leadership and orthodox ulama.

Secondly, the opponents of change have another great advantage : the backwardness of Muslims in India and lack of a strong middle-class to campaign for reform. Overwhelming majority of Muslims is illiterate and living in dire poverty, if not below poverty line. Except the awareness of being Muslim, they have hardly

any knowledge of Islam not to talk of casuistic or theological controversies. Mentally speaking they, are still living in a pre-industrial era. In the villages they are poor marginal farmers or those selling their labour power and in towns and cities they are petty artisans, coolies or rickshawpullers or hawkers and others of similar categories most of whom live in crowded and dingy slums. The plight of these people is so hopeless that no law, much less any reform thereof, makes any sense to them.

Thirdly, the Muslim middle classes, numerically small, psychologically perplexed, suffer from an acute sense of being discriminated against. Minorities religious, linguistic or racial, as a rule, tend to be conservative and try to preserve their separate identity. The example of Jews and their doggedness in preserving their separate identity in the face of persecution in Europe is well known. In the case of minorities the educated elite, a large number of it, if not all, become the bulwark of preserving a separate identity and thus impede the process of social change out of fear of being swallowed up by the majority. In Iran and Indonesia, Muslims, being in overwhelming majority, assert their pre-Islamic past with great pride and search for the roots of their culture in it. However the Indian Muslims refuse to do so. Reason ? Their minority status.

Even more enlightened and economically better off communities like Parsis and Christians resist change in their customary laws for fear of loss of identity.

## II

The reform of the Muslim Personal Law, nevertheless, is highly desirable if a viable secular culture is to strike roots in our country. It is also in the interest of common social ethos and fundamental rights of every human person i. e. right to equal status etc. irrespective of ones sex. Common civil code would not only achieve the objective set-out in the directive principles of our constitution but would also be in keeping with our national ethos. However, it is easier said than done. As pointed out above, it is very difficult to achieve this goal. Some over enthusiastic advocates of common civil code even suggest that the government should pass the necessary law in this respect right away and enforce it whether any group or community likes it or not. This,

according to me, is not advisable. This will spark a revolt among all the minorities, irrespective of their religion. Moreover, it would not be in keeping with our political culture and democratic ethos. No democratic government, not even that of the Jan Sangh which is so vocal about reforming the Muslim Personal Law, would resort to such a course for fear of alienating Muslim votes.

What is to be done? Should we leave the Muslim Personal Law unreformed until such time as the Muslims agree to voluntary change? I think, while wishing to emphasise the importance of consent for any such reform or change, one cannot wait indefinitely for the community to accept it. However, on the other hand, no undue haste is warranted as it is likely to exacerbate the feelings of the minority communities. An enlightened monarch like King Amanullah's efforts to introduce modern reforms in the thirties in Afghanistan met with disastrous results due to its forced and accelerated pace. We can also learn a lesson from what is happening in Iran that thoughtless change and elite-oriented modernisation is a highly risky enterprise. This project of change or reform calls for a very cautious approach.

Uniform civil code cannot be implemented in one go. However, it ought to remain our ultimate goal to be achieved, but not in immediate future, and not without consent in any case. Immediately, however, some amendments in the Shariat Act of 1937 will have to be made. Before doing so, in the present political climate, certain well thought strategy will have to be pursued, if we wish to avoid stirring the hornet's nest.

Firstly, as far as the Muslim Personal Law is concerned, we should avoid using the term 'change' or reform: As pointed out above, the Muslims hold on to the dogma of immutability of the divinely revealed laws and hence any suggestion of change in, or reform thereof, invites their opposition. The better term to be used, in my opinion, would be '*Creative interpretation (ijtihad) in the changed context*'. This term also has the much needed advantage of Islamic sanction behind it. The ulama have always emphasised the necessity of ijtihad in the light of the Prophet's well known dialogue with M'adh bin Jabal wherein he advised his companion to resort to ijtihad when confronted with new situation. This is an admission of the fact that the divinely inspired laws, by themselves, and without suitable reinterpretation, cannot

serve the faithfuls in every situation. This creative interpretation is not repugnant to but is in keeping with the true spirit of Islam.

Secondly, it must be duly emphasised that the Islamic Shari'at as codified by the well-known four Sunni Imams i.e. Ibn Hanifa, Ibn Hanbal, Malik and Shafi'i was a result of a great deal of exertion (literal meaning of ijtihad) in interpreting the Koranic verses and the Prophetic traditions in a vastly changed conditions and social milieu more than a century after the death of the Prophet. The then social milieu undeniably exercised its influence over the ulamas in interpreting the relevant of the Koran. In that milieu woman had been accorded much inferior position than what has been given to her today. Despite their transparent sincerity, they could not escape the influence of that social milieu while codifying the laws of conjugal relations, inheritance etc. Although the basis was the revealed Koranic verses, interpretation and opinion were no less important elements in formulation of the Islamic Shariat. This important fact cannot be lost sight of for which there is sufficient historical proof. Thus, though the Koranic verses, as per the Islamic doctrine, would be treated as immutable and unalterable, the Islamic Shariat cannot be so treated as in it is incorporated human element along with the divine one.

It was on account of this human element that there was no unanimity among its formulators. Variation of opinion brought into existence various schools of thought the most progressive among whom were Mutazalites who were under the influence of the Greek rationalism. In their theocratic system, justice was of primary importance. George F. Houzani says, "They (Mu'tazalites) called themselves among other things 'the party of justice', and by this name they referred to their position on theodicy, that God was just. This was a first principle of their theology, and it meant to them two things. Primarily, God is just in His essence, but this justice is beyond man's understanding. From it, however, is derived the justice of God's acts, and this is of the same kind as the justice of human acts. The justice of human and of divine acts is a real characteristic of human acts; and it knowable in principle and often known in fact by natural human reason, *without the aid of revelation*. Thus we can name the Mu'tazalite theory of ethics 'rationalistic objectivism.'"<sup>4</sup>

These Mu'tazalites considered polygamy not justified even then when the other doctors of theology were formulating the code of Islamic laws. They thought the conditions stipulated in the Koran for taking more than one wife is very difficult, if not impossible to fulfil. They, therefore, maintained that polygamy was as good as discouraged, if not banned. Similarly, a late nineteenth century alim of Egypt Maulana Muhammad a Abduh gave preference to reason to tradition. He said, "In case of conflict between reason and the apparent meaning of the sacred text, reason will have priority over the letter of the text; the text shall, therefore, require a metaphorical interpretation where the literal interpretation conflicts with reason."<sup>5</sup> Muhammad 'Abduh even maintains that, "I say that in Islam there is no such thing as religious authority. The caliphs or the qadis or the muftis or the Shaykh al-Islam are civil officials only. Whatever authority is held by any one of these is civil authority, though it is the Islamic Law that defines their powers and duties."<sup>6</sup>

Muhammad 'Abduh's views on polygamy are quite interesting. These views are quite at variance with other Ulamas and clearly prove my contention that the medieval formulation cannot be treated as immutable as maintained by some orthodox Muslims. Abduh thought that in order to remove the baneful effects of polygamy it was essential that the ulama should take steps for amending the Canon Law of Islam which would best promote the ends of justice and the general interest of the people. The revision of the Canon Law of Islam, respecting the conservation of advantages and the averting of evils and in harmony with the conditions of time and locality, must come from the Ulama who were invested with authority and to whom all judicial and administrative affairs were to be referred. 'Abduh declared that the present regulations of Islam regarding polygamy did not belong to the essentials of Islam, but were subject to modifications according to needs and circumstances.<sup>7</sup>

The Islamic law, as pointed out by me in 'Muslim Personal Law and Uniform Civil Code', can be divided into five categories: (1) Obligatory (2) Recommended but not obligatory (3) Indifferent (4) Disapproved but not forbidden and (5) Prohibited. This is quite comprehensive division and polygamy and divorce, I believe not without good reason, fall in the 4th category i.e. disapproved

but not forbidden. This is quite clear from the following Quranic verse, 'And you shall never be able to do justice among women no matter how desirous of this you may be. So do not incline completely (away from one wife) leaving her suspended in the air (4/129). As for divorce the Prophet is reported to have said, "curse of God rests on him who repudiates his wife capriciously", and "God created not anything on the face of the of earth which He loveth more than the act of manumission (of slaves) nor did He create anything on the face of the earth which He detesteth more than the act of divorce." Thus both the Koranic verse and the tradition of the Prophet leave no one in doubt that polygamy and unilateral divorce were approved only very reluctantly.<sup>8</sup>

Thirdly, it should also be clearly understood that the Islamic law was applied in India, not by virtue of its divine sanction but as a matter of State policy. This was known as the Shariat Act of 1937 which again can be subjected to legal amendment. In fact in 1939 an act known as 'Dissolution of Muslim Marriages Act' was promulgated in order to enable the Muslim women to obtain divorce. There were numerous instances of Muslim women renouncing Islam to get rid of their husbands as under the Islamic law they could not do it. This was a challenge to the Muslim Ulama and the Jami'at at-Ulama devoted itself to the task. They felt that there was no way out but to secure legislation empowering Muslim judges in India to dissolve Muslim women's marriages in specified circumstances. The Ulama threw their weight behind such a legislation and hence in 1939 the 'Dissolution of Muslim Marriages Act' was passed. The Ulama can certainly show their concern to the plight of those Muslim women who become victims of arbitrary divorce or unrestrained polygamy by agreeing to certain suitable amendments in the Shariat Act of 1937 to put an end to such practices. It would certainly be in keeping with the spirit of Islam.

In case of Islam, it is not very difficult to achieve. The nature of marriage in Islam is contractual. Suitable clauses can be introduced in the marriage contract to make it very difficult, if not impossible, for a husband to take second wife except in some exceptional cases with the permission of court of law. Similarly for divorce too, certain measures can be stipulated so as to check its arbitrariness. Also, different schools of jurisprudence

have some or the other good points which can be taken advantage of in keeping with the spirit of justice.

Prof. W.C. Smith, a perceptive scholar of Islam, feels that, "For the Muslim, like the Marxist but unlike the Hindu, what happens here below is of inescapable and lasting significance. The building up of a proper community life on earth is a supreme imperative. Surely the Islamic enterprise has been the most serious and sustained endeavour ever put forward to implement justice among men; and until the rise of Marxism was also the largest and most ambitious."<sup>9</sup> What Smith says may be true, but it has not always been so. The Ulama have proved themselves to be more tradition bound than the upholders of the concept of Islamic justice. Particularly, the Ulama in India, for understandable reasons, have been much more so. They would do better to take Islam seriously as a historical project rather than a metaphysical system bound by the spacio-temporal limitations of the 7th and 8th century Arabia.

Most of the Islamic countries like Egypt, Syria, Morocco, Iran, Iraq, Pakistan etc. besides Turkey, have effected many changes within the framework of Islamic law so as to bring it in conformity with the modern ethos. Almost all the Muslim countries have imposed reasonable restrictions on divorce and polygamy so as to make the Islamic law in the sphere of conjugal relations an instrument of justice in the modern context. If an element of stringency is not introduced, the Islamic laws can be grossly abused of which there are numerous instances. Many rich Arab tourists resort to the practice of Orfi marriage with a provision of a pre-meditated divorce. It is nothing but a substitute for prostitution. Mankind may not have hit upon the idea of the most ideal institution of marriage, but for that reason, the existing institution of monogamy cannot be disregarded, as despite certain drawbacks, it ensures the equality at least in respect of marital status. Muslim intelligentsia would do better to realise this and play a sincere role for a purposive change in that direction although it may apparently injure the orthodox view of Islam.

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