A Modern Approach to Islam

Asghar Ali Engineer

A Modern Approach to Islam

Asghar Ali Engineer

Dharmaram Publications
Dharmaram College
Bangalore – 560 029
2003

Contents

Introduction 5

1. On Developing Theology of Peace in Islam 13

2. On the Multilayered Concept of Jihad in Islam 25

3. Islam and Human Rights 35

4. Islam and Nationalism 53

5. Western Feminism or Empowerment of Women 63

6. Islam, Globalization and Fundamentalism 73

7. Shari 'ah Punishments (Hudud Laws), and Nation-States ... 83

8. On Sufi Approach to Islam 93

9. Polygamy in Islam: Concept and Practice 103

10. Sociological Approach to Islam 113

11. Intellectual Approach to Islam 123

12. Islam, Muslims and Non-Muslim Countries 133

13. Religion and Economic Justice 143

INTRODUCTION

Islam has always been a subject of controversy and it has become much more so after terrorist attacks of 9/11. The western media was never kind to Islam and after 9/11 it became downright hostile. Also, the medieval outlook of the Muslim theologians and their refusal to change and reform, create controversies. These theologians insist that whatever medieval theologians wrote, is also divine, besides the Holy Qur'an.

It is, therefore, highly necessary, that we separate what is divine from what is the opinion of the medieval 'ulama' who are being blindly imitated. The Qur'an, let us make no mistake, is divine but it's understanding is human. No human understanding can be deified. This is what the orthodox do. Let us remember that human understanding of the divine is influenced by number of factors – upbringing, environment, prevailing ideas and ideologies, social traditions and customs. These factors weigh heavily on human mind.

Even the most eminent Islamic thinker cannot escape these influences while formulating his views on various issues. Though they will be projected as 'perfectly' Islamic, it may not be so. This is what a critical analyst has to understand. If these influences are not taken into account we can never change. Even the Prophet (PBUH) was aware of this and he stressed the need for what is called in Islamic terminology as *ijtihad.*

Ijtihad is nothing but exerting oneself intellectually utmost to understand ones own situation and then apply the Qur'anic injunctions to suit it. This intellectual exertion to apply Qur'anic injunctions should be done with firm commitment to Islam and its values. The laws are not as important as the values propounded by the Qur'an. The laws are nothing but temporal expression of these values. Laws can change but not the values. The orthodox do not appreciate this and stick to laws, not to values. They can even sacrifice values for laws.

This can best be illustrated by some controversial issues today like polygamy. Polygamy was permitted by the Qur'an in view of certain situation created by the battle of Uhud in which hundreds of Muslims were killed leaving orphans and widows. They were to be taken care of. One of the acceptable solutions in the given situation was to permit multiple marriages. But since justice is very fundamental to Islam (polygamy being incidental) permission to marry more than one wife (from amongst widows and orphans) was given subject to the condition that equal justice be done with all wives and no wife should be neglected.

The Qur'an also made it clear that equal justice is not humanly possible and hence one should better go for one wife (if you fear you cannot do justice then only one). It was then and now in view of increased awareness among women, more education and active role they play in life outside home, polygamy should be made exceptional rather than normal. But the orthodox resist any such attempt saying *Shari'ah* law permits it. They do not understand that justice is far more fundamental to Qur'an than polygamy. In my opinion all restrictive provisions for women made in the *Shari'ah* law must be critically reviewed in the light of changed situation and the Qur'anic values should be made more central than the *Shari'ah* law itself. One must intellectually exert oneself (through *ijtihad*) to reapply Qur'anic values to contemporary situation.

The women issues in Islamic societies are becoming quite critical. The Muslim societies today hardly practice what has been provided for women in the Islamic scripture. What is practiced is social customs and traditions rather than the Qur'anic injunctions. Due to widespread illiteracy or rigid orthodoxy women themselves are not aware of their Islamic rights and they accept given social practices as God given laws. The *hudud* laws like stoning man or woman to death for adultery is often sought to be applied mechanically without understanding spirit behind it. And more than a man woman becomes its victim.

The Qur'an had given equal rights to women but for a short period women could not enjoy these rights. The male-dominated society imposed various restrictions and defeated the very spirit of revealed text. Islam should not be blamed for what is happening in Islamic countries in respect of women. It is orthodox interpretation of the Qur'an and many *Hadith* of doubtful authenticity which needs to be held responsible. It should be remembered that even most revolutionary provisions tend to become quite watered down in a conservative society. The Islamic laws in respect of women were applied to conquered societies, which had strong feudal traditions and hence lost their revolutionary character. And hence there is urgent need to re-evaluate them and critically examine to bring them in conformity with the Qur'anic provisions.

The concept of *Jihad* is also under critical scrutiny of the world today, especially after the attacks of 9/11/2001 in New York and Pentagon. In fact the concept of *Jihad* has undergone change in meaning in the post-Qur'anic period. The Qur'an does not use term '*Jihad*' for war – it uses it only for utmost efforts for fighting evil within and for inner transformation and promotion of good in the world with a perfect self.

However, as pointed out earlier this underwent change and *Jihad* began to be used also as war and any war by a Muslim ruler, even for territorial aggrandizement came to be described as *Jihad*. Some rulers even obtained *fatwas* for wars against other Muslim rulers also to be construed as *Jihad*. It was just an exercise to legitimise a war as '*Jihad*'. One should be very wary of such usage of the term. Osama's attacks on 9/11 can in no sense be construed as *Jihad*. Or any terrorist attack by any organisation killing innocent people of any religion cannot be construed as *Jihad*. *Jihad* is much misused word today. Any organisation having even most dishonourable objectives describes indiscriminate attacks as *Jihad*. It amounts to ridiculing Islamic concept of *Jihad*, which is struggle for a good cause for benefit of humanity.

There is also critical debate in respect of human rights in Islam. Again Islam is held responsible for what is happening in Islamic countries. Most of the Islamic countries are ruled by monarchies and sheikhs. They have not gone through democratic revolution. Since there is no democracy there is no concept of human rights either. It is unfortunate that USA, which supports these monarchies and sheikhdoms also attacks them for lack of human and democratic rights.

The Qur'an shows remarkable concern for human dignity and even individual freedom. It upholds freedom of conscience when it says there is no compulsion in matter of religion. Thus to follow or not to follow one religion or the other is a matter of one's conscience. In those days to uphold freedom of conscience was a great revolutionary step. Similarly the Qur'an's overall approach is to respect individual freedoms which are upheld in modern democratic society.

Islam is basically a religion of peace though, thanks to wrong interpretation of *Jihad*, has made it appear more a violent religion, even supporting terrorism. But it is not born out by the Qur'anic text. Qur'an unambiguously stresses importance of peace. The word Islam itself is derived from the word *salam* and means, in addition to surrendering to the will of God, to establish peace. Even Allah's name is Salam i.e. peace. Peace is thus most fundamental to Islam and Islamic society. Those who indulge in violence or terrorism not only disgrace Islam but defy Islamic provisions.

According to the Qur'an to kill one person without justification amounts to killing whole humanity and to save one person amounts to save entire humanity. It can be said on authority of the Qur'an that it does not sanction any aggressive action and puts it thus: "Allah does not love aggressors". Thus peace is fundamental and force only for self-defense. Any use of force for aggressive purposes cannot be condoned.

Many Muslim theologians argue that nationalism is not in keeping with Islamic teachings as Islam is an international in its

scope and cannot be confined to any territorial limits. However, these people fail to make distinction between *din* (religion) and political rule. *Din* cannot be confined to any territorial limits but every people has their own history, culture, language and tradition and their own territorial spread. Thus Tamil speaking or Russian speaking Muslims can hardly share anything except their religion with the Arab people. There always was a sense of cultural separation even when there was no concept of nation-state in medieval ages.

It is important to note that the Qur'an stresses moral and ethical teachings rather than political constructs or political concepts. Nationalism is a territorial and political matter, not spiritual, moral or ethical nor does it pertain to the domain of hereafter. And nationalism is very much a force in Islamic world today and no two Muslim countries are ready to merge simply because both are Islamic. The experiment to establish a union between Libya, Syria and Egypt – all Arab countries – did not succeed during seventies and they fell apart after two years.

The above subjects have been dealt with in the chapters of this book, and these were part of the Dharma Endowment Lectures I delivered at the Faculty of Philosophy of Dharmaram Vidya Kshetram, Dharmaram College, Bangalore in November 2002 for the students of philosophy. It is hoped these lectures will dispel much misunderstanding prevailing both among Muslims and non-Muslims. These are much debated issues these days and hence we have chosen these topics. It is also part of an attempt to re-read and re-interpret Islamic sources in their original spirit which is quite modern and eternal in values. Let us hope they will be well received.

Mumbai
25-01-2003

Asghar Ali Engineer

ON DEVELOPING THEOLOGY OF PEACE IN ISLAM

Islam is being associated with violence and jihad in the minds of not only non-Muslims but also of many Muslims. The slogans of jihad are being raised by frustrated youth unable to find any other way and also by those who are fighting for national liberation and regional autonomy. Such slogans create strong images of holy war being ordained by Islam and Islam being religion of violence. And now what has happened in New York on 11th September 2001 and in Pentagon i.e. attacks on World Trade Centre with the help of hijacked planes will greatly strengthen this stereotype in the minds of people of the world in general and in the minds of Americans, in particular. The attack on WTC in New York and Pentagon in Washington is, to say the least, horrific and must be condemned in strongest possible and unambiguous terms.

It should be remembered that there is no relation between religion and violence, neither in Islam, nor in any religion for that matter. Violence is a social and political phenomenon. It is true that there is mention of war in scriptures like *Ramayana, Mahabharata* and the Qura'n. But this mention is not to establish any integral link between religion and violence but to portray certain social and political situation that prevailed at that time. It can be called integral only if these scriptures mandate violence as a desirable solution.

It is important to distinguish between what is empirical and ideological. The Twain do not always meet. While violence is empirical, peace is ideological. All scriptures, particularly the Qur'an while permitting violence in some inevitable situations, ordain peace as a norm. The great religions of the world came to establish justice and peace, not to perpetrate revenge and violence. Revenge and violence can never become part of any religion, much less that of Islam. Allah has created both in human beings – tendency for aggression and violence and exalted feeling

for serenity of peace. Allah, according to the Qur'an, created human person in the best of mould (*ahsan-i-taqwim*) and then rendered him lowest of the low (95:4-5)

In fact it is this dynamics of human personality i.e. being created in the best of the mould and then being reduced to the lowest of the low that we have to understand the dynamics of peace and violence also. Allah desires peace and created us, for that purpose, in the best of the mould but our greed, greed for both wealth and power reduced us to an instrument of aggression and violence. For a human being there will always be an internal jihad, an internal struggle to rise to the level of *ahsan-i-taqwim* (best of the mould) and continuously resist the temptations of wealth and power.

The Qur'an strengthens the social roots of peace by emphasising the role of need based economy and resolutely opposing greed based one. The roots of violence, as pointed out above, lie in human greed. Thus we find in the Qur'an, "They ask thee what should we spend. Say what is surplus." (2:219) It is obvious from this verse that you spend on yourself according to your personal needs and give away the surplus with you to other needy people. Similarly the Qur'an prescribes in yet another context that the wealth should not circulate among the rich only. (59:7). And it also exhorts Muslims that those who hoard gold and silver and do not give them away in the way of Allah announce to them the painful chastisement.(9:34)

Thus the Qur'an wants to establish peace not superficially by exhorting the believers to love peace but tries to tackle the very socio-economic roots of conflict. If few people or countries grab largest part of the resources of the world and live in all comfort and deny other people even their basic needs violence and conflict will result whatever the pleadings for peace. Or, if some people commit aggression unjustifiable against others to keep their own dominance and deny others their very basic rights, it will be impossible to maintain peace is such unjust political order.

The Qur'an draws our attention to such a situation also as the Prophet and his followers were persecuted by the powerful and the rich chiefs of Mecca to maintain their own hegemony and were forced to flee from that town which was rightfully theirs. It is such persecution by the powerful, in order to maintain their hegemony that violence results. The Qur'an is opposed to an unjust order and domination by few powerful whom it calls *mustakbirun* (i.e. arrogant and powerful). They persecute the weak (*mustad`ifun).* If such an unjust order persists violence will result, however undesirable it may be.

Allah thus says in the Qur'an, "And what reason have you not to fight in the way of Allah, and of the weak (*mustad`ifin*) among the men and the women and the children, who say: Our Lord, take us out of the town, whose people are oppressors, and grant us from Thee a friend and grant us from Thee a helper." This verse in the Qur'an combines both what is empirical and what is ideological. The weak when oppressed are more likely to fight and resist an unjust order. This is empirical. But the above verse also makes an ideological statement when it says that the weak among men, women and children pray that our Lord take us out of this town (Mecca) whose people are oppressors and grant us from Thee a friend and a helper. Thus the Qur'an makes it clear that one must not live in an unjust order and seek helper from Allah to relive them of injustice.

It is also important that the Qur'an more then once focuses our attention on the on going conflict between *mustakbirun* and *mustad`ifun* i.e. between the arrogant and powerful and the weak and the oppressed. The arrogant and powerful is represented by Nimrod and Pharoa and the weak and oppressed by Abraham and Moses. Both Abraham and Moses were liberators. But they liberated their oppressed people not through violence but through struggle leading them out of the unjust order, unjust situation.

There will always be struggle between the oppressors and the oppressed, the powerful and the weak but this struggle need not be violent. It much depends on situation. The Prophet (PBUH)

himself prefers peace at Hudaybia (sulh-i-Hudaybia) than war even at the cost of pride of Muslims. The peace conditions (I need not go into details of those conditions here, which are quite well known) were far from favourable to Muslims but the Prophet of Islam accepted those conditions in order to avoid bloodshed. However, the Prophet could do so as the other side also, due to certain constraints, accepted peace on their own terms.

If the other side was bent upon war there would have been no choice for the Prophet but to accept the situation and fight the war. It much depends what situation you are facing. One cannot talk of war and peace quite in an abstract manner. Thus socio-political and socio-economic context plays great role in deciding whether peace will prevail or not.

One thing is sure: Islam does not even indirectly hint at coercion, let alone violence, when it comes to any religious or spiritual question. Thus it becomes quite clear that Islam being religion does not approve of violence at all in any religious matter. However, if Muslims are put in a particular situation which is unjust (not only for them but for humanity as such) they may have to struggle peacefully (and if violence is thrust on them, reluctantly through violence) to remove the cause of injustice.

It is quite important to note that liberative struggle should never be confined to Muslims alone. It is quite significant for theology of peace in Islam that throughout the text of the Qur'an we find the words *mustakbirun* and *mustad`ifun* i.e. arrogant and the weak or oppressors and the oppressed without an qualification of being Muslim or not. Thus even if arrogant and oppressor is a Muslim, one will have to struggle against him and even if an oppressed and persecuted is non-Muslim Muslims will have to wage struggle against him.

Thus the struggle nowhere involves Islam as a religion but Muslims as upholders of peace and justice. Yes, it is true justice and peace (and for that matter compassion) are also Islamic values but they are also universal values applicable not only to Muslims but to all whether they be Muslims or not. Thus, as far

as justice and peace is concerned the clash is not between Islam and any other religion but it is primarily between oppressors and the oppressed. It is wrong to implicate Islam if some Muslims choose to adopt violent means to achieve their goal. Islam does not automatically approve of violent means if any injustice or exploitation is to be fought.

The Qur'an does not permit use of violence as a norm at all. All the verses involving permission to use violence is preceded by the words "if they commit violence against you….". Thus we find in verse 2:190 "And fight in the way of Allah against those *who fight against you but be not aggressive*. Surely Allah does not love aggressors." (emphasis added)

Thus it is very clear from this verse that Qur'an does not permit unconditional war and aggression and Allah does not love aggressors. But permits fighting *in the way of Allah* only if war is imposed by others. The words **in the way of Allah** are also very important here. Fighting in the way of Allah would restrain Muslims from committing aggression and excesses. Fighting in the way of Allah would mean fighting only for a just cause, not for power and wealth, fighting only if war is imposed on them and not involving personal or collective feeling of revenge. When Ali the son-in-law of the Prophet (PBUH) defeated a powerful foe in the battle and was about to kill him that he spat on his face. Ali immediately got off his chaste and let him go. The defeated foe was greatly surprised as he expected greater violence from Ali after he spat on him. Ali told hi if I had killed you after you spat on me it would have been an act of revenge. Thus Islam does not permit killing for revenge. Revenge killing is not a religious act; its main reason is human tendency to retaliate. Arabs used to call it *qisas* and Qur'an permits it in keeping with the prevailing tradition as it tolerated slavery as a concession to the prevailing system. But as it makes clear that human dignity and equality is the norm, not slavery. Similarly while it permits *qisas* it makes it clear that one should not be revengeful and should suppress anger. One who suppresses anger (*kazim al-ghayz*) is a person of great merit.

The Qur'an says, "Those who spend in ease as well as in adversity and those who restrain (their) anger and pardon men." And Allah loves the doers of good (to others)." (3:133). Thus it becomes clear from above verse that to restrain ones anger and to pardon is an act of merit, a religious act. Thus one should not use violence even as an act of revenge. To restrain anger and to pardon are great acts of merit. Violence in any form, except in defence, is most deplorable. Humanity cannot flower in an atmosphere of violence.

The pre-Islamic Arab society was highly violent society. Various tribes fought against each other for decades on end. Thus before the Holy Prophet migrated to Medina the two principal pagan tribes of Medina Khazraj and Aus had been fighting against each other for more than four decades. The Prophet was invited there by the members of these two tribes as peace maker and the Prophet did bring peace between these two tribes and old enmity was happily resolved. But to stamp out violence from the Arab psychology and Arab society was not an easy project. Many Arab tribes had economically survived through raids on other tribes (it was called *ghazw*)

The pre-Islamic Arabs, as pointed out, not only indulged in *qisas* but were used to settle all questions through use of violence and thus violence continued in the society. There was no concept of spirituality and higher morality. It is Islam, which brought, for the first time, the concept of higher morality to the Arab society. Peace (*salam*) was part of this higher morality. It was in view of the violence in the Arab society that even greeting between two Muslims was made as *Al-salam-u-'alaykum* (i.e. peace be upon you) and it is the principal form of greeting among the Muslims.

However, the post-Islamic Arab society did not easily imbibe the higher Islamic morality. It required inner struggle to control oneself and it was for this reason that many Muslim thinkers, particularly the Sufi thinkers called this inner struggle to control ones desires and raw passions as *jihad-e-akbar* (i.e. the great jihad and real jihad) and described war with sword as *jihad-*

e-asghar (i.e. small jihad). The Sufis were the pacifists of Islam and those who kept themselves away from the violent struggle for power and also practised great restraint. They thus could imbibe the higher morality of Islam.

One can understand the nature of Arab society and the deep stamp of violence on it from the fact that after the depth of the Holy Prophet his successors – Caliphs hardly got time to promote higher Islamic morality *akhlaq-i-karim.* The holy Prophet himself was described as *uswa-i-hasanah* (best examplar) by the Qur'an. Thus Qur'an says, "Certainly you have in the Messenger of Allah an excellent examplar for him who hopes in Allah and the Latter day, and remembers Allah much." (33:21)

But the Arabs with few honourable exceptions hardly followed this best examplar in the true spirit. Civil war broke out soon after his death (war of riddah) as many tribes wanted to return to their ancestral religion and refused to pay *zakah* the Islamic tax. Four of the three Khulufa-i-Rashidun (the rightly guided caliphs) were murdered. The third and fourth caliphs (Uthman and Ali) had to face tumultuous times and rebellions resulting in more than one hundred thousand deaths.

Thus one can understand the great gap between what was ıdeological – peace – and what was empirical – violence. The great tragedy of Karbala on 10th of Muharram when the grand son of the Prophet was martyred by the forces of evil as he tried to revive the higher Islamic morality. The Umayyads usurped power and indulged in violence and terror to retain it. Yusuf al-Hajjaj, governor of Iraq, during the Umayyad period, was a great terror and was quite ruthless in eliminating his enemies. The Umayyad and Abbasid caliphs with some exceptions had no compunctions in resorting to violence. The founder of the Abbasid dynasty was known as al-Saffah, which means one who sheds blood.

Before Islam there was inter-tribal violence. After Islam the social and political scenario changed. All tribes embraced Islam and the very nature of their economic sustenance through inter-tribal raids changed but inter-tribal rivalries persisted. One more

factor was added to this. Now centralised state came into existence, which did not exist before Islam and inter-tribal struggle for power to capture the state began often resulting in great blood bath. Thus when the Abbasids captured power from Umayyads the Abbasids hunted down all Umayyads including their children and killed them. This violence was direct result of struggle for power.

All inter-tribal violence in the post-Islamic period was result of struggle for power and had nothing to do with Islam. In other words it was empirical rather than ideological. There is hardly any evidence in history of violence for spreading of Islam. As far as spreading of Islam was concerned the Qur'anic directive was very clear that "call people to the way of your Lord with wisdom and goodly exhortation and argue with them in the best manner." (16:125) One can argue that this again is an ideological statement and that empirical reality was different in the sense that Islam spread through sword. This is simply not true. Firstly, no religion can spread through bloodshed and terror and secondly there is hardly any evidence of this in history.

Islam either spread through Sufi saints who were good examplars of Islamic morality rather than the rulers who were any way seen as tyrants. It was sufi saints who were carriers of real message of Islam and peace by keeping their distance from the power centres. Also, many people adopted Islam simply because it was religion of the rulers and had many advantages. Also, once a prominent member of the community or a tribal chef adopted Islam other members of the community or tribe followed. Thus it is not borne out even empirically that Islam spread through violence. There is even the instance of the Umayyad caliphs stopping conversion to Islam as their treasury was getting depleted as the converts stopped giving *jizyah*

Islam and Peace

The Qur'an, as pointed out above, tried to spread higher morality of which peace was the most important component. In fact the word Islam itself is derived from the root *slm* which is the

root letters for peace. Islam means establishing peace as well as surrendering to the Will of Allah. One of the Allah's name is **Salam** i.e. peace. Many Muslims are named as Abdus Salam i.e. servant of peace which also means servant of Allah as Allah is peace.

In Qur'an there are repeated references to the concept of peace. Significantly the Qur'an calls upon Muslims, "O you who believe, enter into complete peace and follow not the footsteps of the devil. Surely he is your open enemy." (2:208) Entering into complete peace here means entering into peace whole-heartedly. It would also imply surrendering to Allah whole-heartedly. Acceptance of violence as the other part of the verse says is like following in the footsteps of devil. Violence is devil and devil is violence.

In the verse 2:131 Allah says submit and reply is given I submit myself to my *Rabb* of the worlds. Now *rabb* in Arabic means one who is sustainer or one who takes us step by step from one stage of perfection to another stage of perfection. Thus submitting to Allah, or accepting His authority means dedicating oneself to the cause of peace so that this universe reaches perfection. Perfection is possible only if there is peace, not otherwise. In fact violence destroys all the achievements of culture and civilisation. Since Allah is *Rabb* i.e. the Sustainer and Perfecter, he ordains peace and those who surrender to His Will have to work for peace so that perfection could be reached.

We find in the Qur'an (14:23) "And those who believe and do good are made to enter Gardens, wherein flow rivers, abiding by their Lord's permission. Their greeting therein is Peace!". Thus it will be observed that *jannah* (Garden) is so as there is peace therein. Thus the main quality of *jannah* for which all Muslims aspire is peace. This world can become like *jannah* only if there is peace in the world. For entering the *jannah* Allah says, " Enter it (i.e. *jannah*) in peace and security." (15:46) Thus peace and security are the main attributes of paradise.

Muslims invoke peace for all Allah's messengers because they brought the message of peace for entire humanity. Thus Muslims always write peace be upon him after the name of the Prophet, in fact all prophets of Allah. All Messengers of Allah are messengers of peace as Allah Himself, as pointed out above, is Peace. Again in the verse 56:25-26 we read "They hear therein (i.e. Paradise) no vain or sinful talk but only the saying, Peace! Peace."

Thus peace is so vital for converting this world into paradise. Its opposite i.e. violence is sin. Sin is nothing if not selfish behaviour. We have converted this earth into a violent place because of our interest-oriented behaviour. The harmony of interests is possible only in need based economy. Clash of interests result from greed-based economy. Our world today is full of violence as we clash with each other for our greed. Islam wanted to establish peace on this earth and hence it emphasised need-based economy and condemned accumulation of wealth, circulation of wealth among the rich. The chapter 104 clearly says that obsession with wealth results in fire kindled by Allah.

Same thing happens if we are obsessed with power. Thus this earth can enjoy peace only if some people are not obsessed with wealth and power. Islam laid equal emphasis on justice (Allah's name is also Just 'Adil along with Peace, Salam). Thus justice and peace go together. There cannot be peace without justice. Today there is no peace on earth as there is no justice. We are living in a violent world because we live in an unjust world. The Muslim world is also full of injustices and hence of violence. Islam did its best to emphasise justice and peace but a section of Muslims, particularly Muslim rulers remained obsessed with wealth and power and perpetrated injustices and violence. Thus the blame for violence lay on the doors of some Muslims not on Islam. As far as Islam is concerned justice and peace are integral parts of its teachings.

Moreover for millions of Muslims Islam is a deep spiritual experience. They pray, fast, perform Hajj and all other spiritual

practices and feel deeply satisfied. They pray for peace. Such Muslims are in overwhelming majority. They have nothing to do with politics, violence or use of Islam for ones interests. It is these Muslims who seek deep spiritual fulfilment who matter and not the few who use or misuse it for political purposes. For millions of Muslims Islam, like any other religion, is a great source of inner peace.

Some countries like America bomb countries in the name of democracy and human rights some Muslims commit acts of violence and terror in the name of Islam. Is there any difference between the two? How does it matter if the people are killed in the name of democracy and freedom or in the name of Islam? We must try to learn between ideals and their misuse by some vested interests or frustrated people.

ON THE MULTILAYERED CONCEPT OF JIHAD

Jihad is projected as if it is integral part of Islam to fight against unbelievers and as if it is the obligatory duty of all Muslims to fight against infidels. To say the least, it is not proper representation of the concept of jihad in Islam. In fact it is a multi-layered concept which has been projected as a one-dimensional concept – to fight with sword against all infidels. What happened on 11th September 2001 in New York has further given a wrong twist to this very important but complex and multi-dimensional concept of Islam. It must be understood in proper perspective to do full justice to this concept.

Most important thing first of all is to situate the concept of jihad in its historical situation. What is important is to be historically situated, not historically determined forever. What we often do is to be historically determined without ever probing how we are historically situated. Jihad in the sense of fighting with swords or with whatever weapons of war available should also be understood historically.

The Qur'anic pronouncements are also multi-layered and multi-dimensional, some dimensions are historical, some social, some ethical and some eternal. To understand the Qur'anic verses in uni-dimensional manner is to do great injustice to them and also to misapply them either because of wrong understanding or on account of some selfish motives.

The most important thing in this respect is to understand the pre-Islamic Arab society. Violence and inter-tribal wars were rampant. Reconciliation and conflict resolution through negotiations was virtually unknown. Though pre-Islamic Arab society was not exactly immoral but as no immoral society would have sound basis to last, but it did have tribal traditions and customs which ignored ethical aspects. Peace, though appreciated but was not always practised. As there was no rule of law in pre-

Islamic society things were settled through inter-tribal wars or through tribal customs and traditions. This resulted in great deal of bloodshed.

This prevailing historical situation was not acceptable to Islam but some of its elements did persist in Muslim behaviour. Also, we have to bear in mind that it was not a modern democratic society but a tribal society with its own outlook and intellectual understanding. We can not apply the modern norms to it nor should we perpetuate its practices in modern times. Islam while constrained to retain some of it rejected most of it and provided for transcendent norms and ethical standards. What some Muslims do (and many non-Muslims too) is to ignore historicity of some Qur'anic and hadith pronouncements and take them in an a-historical sense thus causing great deal of misunderstanding about Islamic ethics of jihad and makes jihad a mono-dimensional concept.

A careful study of Qur'an and hadith makes it clear that the concept of jihad is far above mere violence and war. Unfortunately wars persisted in Islamic history for several reasons (but certainly not for religious reasons) and hence it came to be reduced to Islamic teachings. The Sufis who kept themselves aloof from power-struggles and attempts by rulers at territorial expansions realised the danger of misapplying the concept of jihad and they thought it necessary to emphasise other social and moral aspects of jihad. It is for this reason that they described *jihad bi al-sayf* (i.e. war with sword) as *jihad-e-asghar* (i.e. small war) and jihad to control ones greed and selfish desires as *jihad-e-akbar* i.e. great jihad.

This emphasis was greatly needed as the concept of jihad with sword had become quite mo-dimensional and was being misapplied for selfish reasons and for inter-group wars among the Muslims. The moral precepts and ethical constraints imposed by Qur'anic pronouncements were being totally ignored by Muslim rulers and their cohorts to fulfil their greed for power and territorial aggrandisement. It was for this reason that the sufis

intervened at this stage and tried to bring out moral and ethical dimensions of the rich concept of jihad.

The sufis had not added any thing from their own wish but had based the concept of the great jihad on the basis of the Qur'anic pronouncements. *Jihad* as is well known to any student of Arabic language means to make utmost efforts. One must look at the authentic Qur'anic dictionary *Mufradat al-Qur'an* by Imam Raghib Asfahani (Urdu trn. By Sheikh Muhammad Abduh Firozpuri, Lahore, 1971).

Imam Raghib first discusses the meaning of its root word *jahd* which means working hard or making utmost efforts and *juhud* which means one's utmost capacity and two together would mean making utmost efforts to one's best capacity. Then he goes on to say that *jihad wa al-mujahidah* means to spend one's utmost capacity in defending oneself in the face of an enemy. Then he divides *jihad* in three categories: 1) to fight against enemies i.e. unbelievers; 2) against shaytan (Satan) and 3) against one's own self i.e. one's own greed and selfishness.

Imam Raghib also maintains that the Qur'anic verse 22:78 ("And strive hard for Allah with due striving. He has chosen you and has not laid any hardship in religion") comprises all these three categories. The Qur'an also says "And strive hard in Allah's way with your wealth and your lives. This is better for you, if you know." (9:41). One also finds in the Qur'an, "Those who believed and migrated (from their homes), and strove hard in Allah's way with their wealth and their lives, and are much higher in rank with Allah. And it is these that shall triumph." (9:20)

It will be seen that all these verses in the Qur'an do not use the word *jihad* in the sense of war but in the sense of striving with wealth and one's own life. The Muslims were persecuted lot in Mecca and many of them faced severe persecution and strove hard in the way of Allah with their own lives and some of them who were wealthy and spent all of their wealth for that cause. Some of them suffered personally as well as spent of their wealth for the sake of Allah. Thus it was all suffering and striving. This

is real *jihad*. Jihad no where in the Qur'an is used either in the sense of war or for seeking revenge. Seeking revenge amounts to using concept of jihad for selfish ends even if revenge or retaliation is be for ones own group or community.

In hadith literature we find ahadith which prohibit Muslims from seeking revenge. Thus in *Sahih al-Bukhari* we find hadith of Miqdad ibn Amr al-Kindi. Amr al-Kindi asked the Holy Prophet (PBUH) "Suppose I met one of the infidels and we fought. He struck one of my hands with his sword, cut it off and then took refuge in a tree and said, 'I surrender to Allah'. Could I kill him, O Messenger of Allah, after he had said this?" Allah's Messenger (peace be upon him) said, "you should not kill him" Al-Miqdad said, "O Allah's Messenger, but he had cut off my hands, and then he had uttered those words." Allah's Messenger (PBUH) replied, "You should not kill him, and you would be in his position where he had been before uttering these words."

Thus it will be seen that in matters of war also Islam teaches higher morality the essence of which is not to seek revenge or retaliate. The Prophet (PBUH) makes this abundantly clear in reply to Miqdad bin Amr's query that the unbeliever surrender's even after cutting off a Muslim's hand with his sword, the Muslim should not kill him. Then there will be no difference between a Muslim and an unbeliever.

This is what I call the transcendent morality. The prevailing practice in the pre-Arab society was retaliation in equal measure – nose for nose and eye for an eye. But this hadith rejects the concept of retaliation and teaches instead higher morality of pardoning the enemy and magnanimity of treatment.

In matters of *jihad* Imam Raghib quotes an interesting hadith which says "fight your desires as you fight your enemies." The sufi concept of *jihad-i-akbar* i.e. the great jihad is to fight ones own vain desires has been based on this hadith. According to the Qur'an man's life is a constant struggle in the way of Allah be it through sword or through one's hands or through one's tongue.

Thus there is a hadith which says "strive against unbelievers with your hands and your words."

Thus this constant *jihad*, constant struggle in the way of Allah implies again multi-layered efforts. The believers have been charged, by the Qur'an with the important mission of spreading good and fighting evil (*amr bi'l ma`ruf wa nahi 'an al-munkar*). In this mission a believer has to engage himself continuously, controlling his own desires, spreading justice, equality and compassion with wisdom (*'adl* – justice, *ihsan* – benevolence, *rahmah*- compassion and *hikmah* – wisdom are concepts of goodness in the Qur'an which are repeatedly stressed). The goodness of humanity lies in this.

As it is duty of believers to engage themselves in spreading what is good it is also the duty of the believers to engage themselves in containing what is evil. Thus a believer has to constantly strive himself to fight against oppression, injustice, iniquity and cruelty. All these result in spreading evil on the earth. The world as we all know is full of injustices and oppression and it will be a lifetime mission of a believer to contain them. This is real jihad.

Fight is not always with weapons – with sword or with guns. Fight could be through proper means which includes moral and intellectual means – through persuasion, through wisdom, through spreading good word and through setting good examples. It is for this reason that the Prophet has said that the ink of a writer's pen is more sacred than the blood of a martyr. The word written with ink is more lasting than martyr's blood.

Jihad is not merely a fight with swords or other weapons. Though jihad also means that but only for self -defence. Jihad is never permitted for aggressive purposes. Then it will not be jihad in any sense of the word at all. The Qur'an is very particular about it. The Qur'an says, "And fight in the way of Allah against those who fight against you but be not aggressive. Surely Allah loves not the aggressors." (2:190)

Thus from the above verse two things are clear: 1) fight only those who fight you and 2) do not be aggressive, as Allah does not love aggressors. One has to strictly observe these conditions in jihad. Then it is also to be noted that does not only mean fighting with sword or other weapons. It is constant struggle for whole of ones life.

The noted Urdu poet Iqbal has beautifully put the meaning of jihad in day today life in one of his couplets which is as follows:

Yaqin muhkam 'amal payham muhabbat fatihi 'alam

Jihad-e- zindagani mein yeh hain mardon ki shamshiren

The meaning of this verse is that for a man with strong inner conviction and constant efforts and with universe winning love are the real weapons in the jihad of life. The meaning or the essence of the verse is that sword is not the only weapon for jihad. It is but one of the weapons. The real weapons are inner conviction and constant efforts with love and sensitivity.

It is unfortunate that jihad has been used in Islamic literature in a very narrow and constricted sense. This narrow understanding of jihad must change. The meaning of jihad is not complete without the Qur'anic injunction for believers (men as well as women) to enforce good and contain evil and this is life long mission of all the believers and to achieve this objective believers have to use their persuasive skills, wisdom and goodliness. One cannot enforce good with sword. Goodness prevails only with goodness. What the Qur'an calls *maw`izah hasanah* (i.e. exhortation with goodness) and *hikmah* (wisdom) is more lasting than enforcing something forcibly.

In war or war-like situation also it is efforts to avert bloodshed and find out ways and means to promote negotiated settlement is far more important. The Prophet (PBUH) always tried all possibilities of negotiated settlement and resorted to war in self –defence only if all efforts to find a negotiated settlement

failed. The best example of this is what is known in the history of Islam as *sulh-i-Hudaibiyah*. This is major contribution by the Prophet of Islam in promoting negotiated settlement and avert needless bloodshed. He even accepted terms, which were not apparently favourable to Muslims. The terms of peace appeared to be even humiliating to his senior companions. The Prophet accepted these terms to avoid human slaughter and in the interest of peace.

We find mention of this in *Sahih al-Bukhari*. Abu Wa'il narrated: "We were in Siffin and Sahl ibn Hunayf stood up and said, `O people! Blame yourselves! We were with the Prophet (PBUH) on the day of Hudaybiyyah, and if we had been called to fight, we should have fought. But Umar ibn al-Khattab came and said, 'O Allah's Messenger! Aren't we in the right and our opponents in the wrong?" Allah's Messenger said, 'Yes'. Umar said, "Then why should we accept hard terms in matters concerning our religion? Shall we return before Allah judges between us and them?" Allah's Messenger (PBUH) said, O ibn al-Khattab! I am the Messenger of Allah and Allah will never degrade me.'"

Sulh-Hudaibiyuyah is of fundamental significance in the interest of peace. Peace is the real objective and war only a necessary evil in certain unavoidable situations. Also it is a wrong assumption that it is duty of the Muslims to fight against all non-believers or kafirs. The Qur'an itself mentions about treaties with unbelievers and according to the Qur'an and hadith it is the duty of all Muslims to honour all treaties and alliances with non-believers. All such alliances must be respected by the Muslims util they are honoured by non-Muslims.

Thus we find again in *Sahih al-Bukhari*, "The pagans were of two kids as regards their relationship to the Prophet (PBUH) and the Believers. Some of them were those with whom the Prophet was at war and used to fight against, and they used to fight him; the others were those with whom the Prophet (PBUH)

made a treaty, and neither did the Prophet fight them, nor did they fight him.

Jihad for Social Justice

Those who work for social justice are as good as *mujahidin* i.e. warriors in the way of Allah. Thus we find in *Sahih al-Bukhari:* The Prophet (PBU) said, "The one who looks after and works for a widow and for a poor person, is like a warrior fighting for Allah's cause or like a person who fasts during the day and prays all the night." Abu Hurayrah narrated that the Prophet said as above.

Thus any one striving for social justice and working for ameliorating the plight of the poor is like a warrior in the way of Allah. Thus those who spend their own money or collect from others and spend for the poor in the way Allah is no less than a mujahid. According to the Qur'an zakat money is to be spent on poor, widows, needy, paying off the debt of indebted and for liberation of slaves. These are all weaker sections of society. It is thus a great merit to help these poorer and weaker sections and to work for them is as meritorious as waging jihad in the way of Allah.

One must remember that much of the conflict in the world is because of poverty, hunger and unemployment. If these problems are solved much of the conflict will be resolved. One should wage war against poverty in all possible ways – by increasing production, by ringing about redistribution of economic resources and by not allowing wealth to be circulated only among the rich. (59:7)

Even when first permission was given to fight in the Qur'anic verse 4:77 it was basically to defend the rights of weak from among the old men, women and children. In some extreme situations it might mean fighting a war but it could be fight in various other ways, particularly in a democratic and modern society. It could be through democratic movements or parliamentary debates also. In those days when the holy Qur'an

was being revealed such possibilities did not exist. Today we will have to creatively re-interpret such Qur'anic provisions as above

The 'Ulama and jurists in early Islam had divided the world in **darul harb** and **darul Islam.** The countries where Muslims could not enjoy freedom of their faith and were persecuted were declared by the Muslim jurists as **darul harb**. And it was thought necessary for Muslims to wage war (jihad) in such countries. However, it is important to note that the Hanafi jurists had also created a third category of **darul aman** i.e. those countries where Muslims, though in minority yet could enjoy freedom of religion and were not persecuted because of their religious beliefs. India was always considered as **darul aman** by Islamic jurists as Muslims here were not persecuted for their religious beliefs. India was always a pluralist society.

But in today's conditions when democracy prevails even if Muslims are persecuted in any country or any place democratic remedies will have top priority and not waging war and indulge in bloodshed of innocent people. Terrorism which involves shedding blood of innocent people can never be elevated to the category of jihad in any sense of the Qur'anic term.

Also, few individuals cannot get together and decide to wage 'jihad'. The decision to wage jihad can be taken only by a properly constituted Islamic government ensuring that there is no other way left but to declare jihad. It could be done after due deliberations and examining all possible consequences including loss of human lives. In the modern democratic world such decision can be arrived at only by a duely elected government. And as far as the Qur'anic injunction on jihad is concerned it should not in any case involve any selfish motive like grabbing others territory or consolidating any group's rule but it should be strictly for higher goals like justice and fighting persecution.

It should also be noted that peace is far more fundamental to Islam than war. War at best could be an instrument of establishing peace in some exceptional circumstances or for defending against aggression. It is unfortunate that some youth come together and

decide that there is no way out but to use violence and call it jihad. And these youth ultimately shed great deal of innocent blood without achieving the ultimate objective. Such extremist violence results in more in-group fighting and killing each other. Such extremist violence cannot be entitled to be called jihad.

In modern world real jihad is to use democracy and democratic institutions to realise the noble goals for which the Prophet of Islam struggled all through his life peace and social justice.

ISLAM AND HUMAN RIGHTS

Generally religions are thought to be dogmatic, intolerant and suppressive of freedom of conscience. It is also generally thought that thinking and believing are opposed to each other and while science and scientific attitude encourages former, religion, or any other faith for that matter, emphasises believing. In fact believing, it is assumed, is another name for religion. It has been by and large true. All the major religions of the world, Islam included, evolved rigid dogmas and discouraged – nay punished any critical examination of these dogmas. Freedom of conscience, in other words, never went well with any of these major religions.

Hinduism is often thought to be otherwise. It has been an umbrella religion and has been quite open to different schools of thought. It readily imbibed elements from other religions. It even accepted great religious thinkers like Buddha and Mahabvir Jain as belonging to the Hindu pantheon – rishis or incarnations of God. It is also true that Hinduism evolved different schools of theology and philosophy and these schools of theology and philosophy and these schools coexisted harmoniously. There have been no sectarian wars in the history of this great religion.

However, this is not all. It should be understood that dogmatism and sectarianism is more of a psychological than theological category. It is human mind that evolves dogmas which provide a sense of security and freedom from thinking. Thinking carries responsibility and creates uncertainty whereas believing provides a soothing balm and gives a sense of security to the believer. This is one of the reasons why dogmas persist. It can be ascribed to human interests which also play central role in determining human behaviour. Interests of theological leadership also help perpetuate religious dogmas. Thus it will be seen that a sense of security on the part of believers and theological

leadership, on the part of formulators, together help perpetuate dogmas.

Seen in this perspective, no religion, big or small, (also political ideologies), can remain exception to this rule. Thus Hinduism too evolved its own dogmas and rigid practices over a period of time. Caste system, for example, had its own rigidities and each caste, in turn, had its own rules and regulations which were rigidly observed and any deviation strictly punished. It should also be noted that as higher Hinduism has been free of rigid dogmas, other religions too put up with some intellectual flexibilities. However, here too, it should be admitted that Hinduism, in its higher reaches, allows greater latitude than other religions as it has not evolved any rigid frame-work of theological thinking.

Thus it will be seen that faith and belief are psychological necessity more than theological one and that security of belief and interests of theological leadership combine to perpetuate rigidity of dogmas. However, if one goes by the early teachings of the founders of the great religions, one would hardly find such rigidity of beliefs. No great religion of the world would seem to be curbing freedom of thought. The Buddha is reported to have said that do not accept just because I say but test it on your reason before you accept it. Hinduism, as pointed out above, allows much greater latitude in thinking. Christ too, spoke in parables so that latter believers could suitably reinterprete them in the light of their own experience and exercising their own intellectual freedom. Islam ~~too~~, as far as the Quran is concerned, does not at all demand blind faith. It requires its addressees to think before they accept God's message. The Quran, in fact, stresses, what can be called, synthesis of reason and faith. Erich Fromm, noted Freudian psychoanalyst, chooses to call it 'rational faith'. Thus it will be seen that Islam too is not a dogmatic faith.

Religion seems to be problematic as far as freedom of conscience is concerned, at the level of semi-literate and semi-

educated people. It is far from so at higher intellectual reaches. Since the vast majority belongs to the former level, religion too, is dragged down to that level and when religion is sought to be understood in its true spirit by those at the much higher level of intellectual reaches, they are threatened by the dogmatic majority which can be easily manipulated by the theological leadership which seeks to perpetuate certain dogmas in its own interests. It is at this level that religion seems to be problematic. It would be very difficult to break the ice at this level. In order to avoid this dilemma one has to go back to the foundational scripture rather than discussing on the basis of latter accretions. Islam's foundational scripture is the Quran. All our discussion on Islamic attitude to human rights will naturally be based on this foundational scripture of Islam.

II

What are human rights? The concept of human rights might also differ from one historical era to the other. In the feudal era there was no such concept of human rights as we have today. In feudal era they had their own understanding of human freedom. In each historical era we have certain principal values. The principal value or central value, whichever way we call it, was 'loyalty'. If one was not loyal to ones master – theological master included – one was not true to ones salt. The human behaviour in feudal ages was circumscribed, in terms of values, by ones loyalty to ones master. Any deviation from this norm attracted Sharp condemnation. It was construed as rebel, not mere differences of opinion as we term it today. Thus loyalty, in the bygone era, constituted the kingpin of human behaviour.

The central value of our post-feudal, industrial and modern era, is freedom of thought and action, it is also termed as freedom of conscience. Many other behavioural values, including the value of loyalty, is subordinated to this value. Freedom of conscience cannot be compromised today as one could not compromise ones loyalty to ones master in the bygone era. It is

the very spirit of the modern era. Similarly in feudal era one had to be rigid about observing traditions. Modernisation, on the other hand, builds itself on the ruins of these traditions. Project of modernisation would not have succeeded without attacking the traditions. And traditions could not have been attacked without upholding freedom of conscience. Thus freedom of conscience became very central to the industrial era. In the post-modern period, traditions have acquired some sanctity again but the freedom of conscience has not been displaced and it retains its centrality. Pluralism is, however, as central to postmodernist values as freedom of conscience. Thus various traditions, past and present, can coexist harmoniously in this post-modern era.

III

The important question before us now is how to define human rights in our own era? I think United Nations' Charter of Human Rights has gathered broad consensus around it. There is hardly any nation, Islamic or otherwise, which does not subscribe to this charter. We can also take this Charter as our reference point. Of course it should also be understood that there is no air of finality about this charter. However, it does represent the spirit of our items including that of the post-modern era. There had been no major shift, conceptual or structural, so far so as to invalidate the spirit enshrined in the Charter of Human Rights. It thus can, and should, become our reference point. We will deal with the articles of this Charter shortly.

Like other religions, Islam too has its own central values. Justice, equity, fairplay, brotherhood (which naturally includes sisterhood), equality, mercy and compassion, are among the central values of Islam. It also generally abhors violence (though, in a complex and empirical world, does not rule it out completely) and wants to establish an abode of peace (one of the names of Allah is Salam i.e. peace). The Quran chooses to use a key term to describe these values – *m'aruf*. Thus the term *m'aruf* is representative of goodness in humanity which is an all

comprehensive term. What is not *m'aruf* is Munkar i.e. evil. The Quran prescribes as a duty for Muslims to promote what is *m'aruf* and fight what is *munkar* (i.e. evil). Since *m'aruf* is representative of what is good for humanity is also includes the concept of human rights which promote human welfare and by the same reason the concept of *munkar* includes denial of human rights which detracts from promotion of human welfare. Thus the Quran declares: "You are the best people, for you have been raised for the good of mankind, you enjoin what is equitable (m'aruf) and forbid evil and believe an Allah." (3:111)

Since *m'aruf* is representative of the central and principal values and freedom of conscience is among the central values of our time, it is integral part of Islamic duty to promote it. Anything or any force that impedes or obstructs it would, therefore, be counted among the *munkar* (evil) which must be forbidden. The Quran also says that only those who promote *m'aruf* and forbid evil would prosper (3:105). Thus, in order to prosper (may it be an individual, community or a nation) one will have to guarantee freedom of thought and conscience. Any attempt to thwart it would then result in arresting the prosperity of that community or nation. Also, it must be noted that the Quran does not refer only to Muslims as far as *m'aruf* and *munkar* are concerned. Even among people of other religions, these merits are found and the Quran appreciates that merit. The Quran says, "Among the people of the Book there is a party who stand by their covenant, they recite the Word of Allah in the hours of night and prostrate themselves before Him. They believe in Allah and the Last Day, and enjoin what is good (*m'aruf*) and forbid evil, and hasten, vying with one another, towards the doing of good. These are among the righteous. Whatever they do, they shall not be denied its due reward. Allah well knows the God-fearing." (3:114-16) Thus Islam, respecting other faith and beliefs, wants to promote universal good and it is excellence in deeds which is more central to the Quran than rituals and beliefs.

IV

The articles 1 and 2 of the Charter stress the freedom, equality and dignity of human person. These article also emphasise that being endowed with reason and conscience, human beings should act towards one another in a spirit of brotherhood. There should be no discrimination of any kind against each other. The Quran very much lays stress on equality of all human beings. The Quran puts forward this concept in different ways. It says, "O men, serve your Lord Who created you and those before you, so that you may guard against evil. Who made the earth resting place for you and the heaven a roof, and sends down rain from the clouds then brings forth with it fruits for your sustenance" (2-21-22)

It would be seen that in the above verse equality of all human beings is accepted. All are creation of one God and also that nature's bounties are available for all without any distinction of caste, colour or creed. It further stresses this fact in another verse : "O mankind, be mindful of your duty to your Lord, who created you from a single soul and from the same created its mate, and from them twain caused to be spread large numbers of men and women; and be mindful of you duty to Allah, in Whose name you appeal to one another, and be mindful of the ties of kinship." (4:2). Thus the Quran maintains that all have been born from one primeval parents and thus are absolutely equal in all respects. No discrimination whatsoever could be admissible.

The Quran also declares in ringing words, : "*And we have honoured the children of Adam*, and we carry them in the land and the sea and we provide them with good things, and we have made them to excel highly most of those whom we have created." (17:70) (emphasis added). Thus it will be seen that Allah has honoured all the children of Adam and hence it is the duty of one human being to honour another human being without any distinction of any sort. All human beings would thus enjoy same rights and no hiearchy of any sort will be permitted in enjoyment of these rights. These rights are theirs by virtue of

their being humans. The Quran does not admit any hierarchy. Only those who excel in good deeds are above others, not by virtue of wealth and position.

As the Quran does not admit hierarchy of status and wealth, it does not admit hierarchy of ethnicity, nationality and colour. Whatever ethnicity, nationality or colour you belong to, you are all equal. These distinctions have been created only so that you may be recognised. The Quran declares this in its own inimitable style: "O mankind, we have created you from male and female, and We have made you into tribes and sub-tribes that you may know each other. Surely the noblest of you with Allah is the most dutiful of you. " (49:13) What has been said in this verse 1400 years ago, is the very spirit of the Human Rights Declaration of our times. It could hardly be improved upon by any other declaration. This verse demolished all the hierarchies and distinctions and puts all human beings on one footing. The most honoured in the sight of God is one who is most pious and most dutiful.

The Quran's stress on being dutiful or pious is also meaningful in yet another sense. Those who are dutiful and pious lead quite simple life and refrain from excessive consumption. In fact it is consumerism which has caused, some of the most flagrant violations of human rights in our world today. The industrially advanced countries indulge in unrestrained consumerism at the cost of developing nations which results in violations of human rights in these third world countries. The tribals and other backward sections of these countries suffer most. Even within these developing countries, the well to do elite indulge in consumerism at the cost of the basic human rights of these backward sections. Human rights for all can be assured only in an equitable and egalitarian society and the Quran wants to create just social structure.

In one verse the Quran declares that "Be just; that is nearer to the observance of duty." (5:8) Thus it will be seen that the

Quran lays emphasis on being just and one cannot be dutiful and pious without being just. The two are very close to each other. The Quran then upholds following sequence for a proper social order; leading simple and pious life, being just, honouring fellow human beings as Allah does and thus becoming most honoured in the eyes of Allah. It will be seen that only those who lead simple life and resist consumerism can ensure human rights to others and hence the Quran's emphasis on simplicity and justice.

Allah makes humans as His "vicegerents in the earth" (35:40). This vicegerency again has been accorded to all human beings without any distinction, all those who follow above injunctions would deserve this elevated status, irrespective of their ethnicity, nationality or religion. Also, according to the Quran, "Certainly we created man in the best mould.. Then we render him the lowest of the low." (95:4-5). Allah has made man in the best of the mould but he can retain this status only though his good deeds, simplicity and justice. But he often relapses, through his greed, lust and unjust acts, to the lowest of the low. He falls to this low status because he violates others rights though his greedy consumerism.

The article 3 of the Charter lays emphasis on the right to life, liberty and security of person. Right to life is most fundamental right. All other rights have meaning only if this right is respected. Firstly, the Quran prohibits suicide: "And kill not yourselves" (4:29). Secondly, it condemns infanticide in verses 17:31 "And kill not your children for fear of poverty..." and 81-9-10 "And when the one buried alive is asked for what sin she was killed." Also, the Quran describes killing of one person without any justification as killing of entire humanity: "Wherefore we prescribed for the children of Israel that whosoever killed a person unless it be for killing a person or for creating disorder in the land – it shall be as if he had slaughtered all mankind; and whosoever secures the life of one, it shall be as if he had secured the life of all mankind." (5:32)

The Quranic statement that killing one person amounts to killing entire mankind and saving one person amounts to saving entire mankind is of great significance from human rights' viewpoint. It is quite clear that if one does not have respect for one individual's life, he cannot have respect for human for human life *per se* and if one has respect for sanctity of one individual's life he will have respect for sanctity of life in general. Thus the Quran in no case permits taking of anyones life without justification. The right to life thus becomes very fundamental. The Quran prescribes the code of conduct in this respect in the following words:

"Say : Come, I will rehearse to you what your Lord has forbidden to you : Associate naught with Him and do good to parents and slay not your children for (fear of) poverty – We provide for you and for them – and go not near indecencies, open or secret, and kill not the soul which Allah has made sacred except with justification. This He enjoins upon you that you may understand." (6:152)

Thus the sanctity of life is of utmost importance top the Quran. Any one who does not vouch for sanctity of life cannot be true human being. Life cannot be taken except with due process of justice. Even in his farewell address the Prophet emphasised the sanctity of life: "Your persons, properties and honour are declared sacred like the sanctity attaching to this day this month and this spot let them not be violated" Be it remembered that this farewell address was delivered on the day of pilgrimage and in the month of pilgrimage in the plane of Arafat all three being very sacred to Muslims. Thus human life and property are as sacred and inviolable as these three things.

Article 4

This article pertains to abolition of slavery and all forms of servitude in whatever form they are found to persist. It is important to discuss here the question of slavery and Islam. It is often though that Islam sanctioned the institution of slavery. On

careful examination of the Qurancic injunctions and hadith literature it will be seen that it is not so. However, what is true is that the Quran sought to abolish slavery in a gradual manner. It was though unwise to do away with it in one stroke. The Quran and hadith prescribed, in the transitional period, very humane treatment of slaves. It also encouraged manumitting slaves. The Prophet after marrying Khadija (an 15 years before he received Divine call) freed all her slaves as she had placed them at his disposal. One young person Zaid chose to stay with him. The Prophet gave him so much love that he refused to go with his father when he came to take him learning of his son's liberation. Not only that the Prophet continued to give great love and affection to Zaid's son Usama after Zaid died. It is significant to note that throughout his life the Prophet never owned any slave. Slavery was quite abhorrent to him.

Also, the Prophet gave highest honour of being *mu'assin* (caller to prayer) to a liberated slave Bilal who was also a black from Ethopia. This honour was sought after by many close companion of the Prophet but none save a former slave could get it. No wonder than many slaves accepted Islam as it was a liberating movement for them. As we know *zakat* is obligatory for every Muslim and Allah prescribed in the Quran that one portion of *zakat* be spent for liberation of salves or captives *(fi al-riqab)*. A portion is also required to be spent on paying off debt of the indebted (9:60). Even for prisoners of wars nominal ransom was prescribed for setting them frees. After the battle of Badr it was announced that the ransom for a literate prisoner of war could be as little as teaching alphabets to ten children. Usually the captives in the war were taken as slaves. Islam, on other hand, sought to free them for very little, almost nominal ransom to discourage slavery. Also, the Quran provides for slaves the written agreement with their masters to purchase their freedom. It is known as *kitab* (writing). Thus the Quran says, "And those of your slaves who ask for a writing (of freedom), give theme the writing, if you know any good in them, and give them of the wealth of Allah which He has given you. And compel not your

slave-girls to prostitution when they desire to keep chaste, in order to seek the frail good of this world's life." (24:33)

This significant verseprovides for an agreement for liberation of slaves. The slave could enter into an agreement with his master to ransom himself through his own earnings. Before Islam too, this practice existed but it was purely optional for the master to grant freedom or not by accepting ransom. But Islam introduced a reform of this practice by making it obligatory for the master to enter into an agreement with the slave if he desired his manumission. If he were an able-bodied he could earn his ransom but if he were disabled, Allah exhorts the Muslims to spend their wealth given to them by Allah to pay for ransom. As pointed out above it could also be paid from state treasury (a portion of *zakaı)*

In pre-Islamic period the Arabs also used to compel their slave-girls to go for prostitution to earn money. The Quran also prohibited this and gave the slave-girls the right to remain chaste, as the Quran puts it. The Muslims are exhorted by the Quran not to make slave-girls an instrument for earning" the frail goods of this world's life", as the Quran puts it.

Even for breaking of oath, the Quran prescribes manumission of slaves. "....for making of deliberate oaths; so its expiation is the feeding of ten poor men with the average (food) you feed your families with, or their clothing, or the freeing of a neck (i..e liberating a slave)" (5:89). Also, for expiation of a murder committed by mistake, freeing of a neck is prescribed (4:92). Thus it will be seen that the Quran encourages freeing of neck through all possible means. The idea was to abolish the institution of slavery though gradually.

Article 5

This article relates to torture, inhuman or degrading treatment or punishment. Islam never approves of undignified behaviour, let alone torturing and attacking others, The Quran

strongly comes down on what it calls *istikbar* (arrogance of power) and *istibdad* (oppression) and sumpathises with *istidaf* (weak and oppressed). It denounces Pharoa as *mustakbir* and *mustabid* (power drunk and oppressor). Allah does not like the arrogant (16;23). Also, Islam lays great emphasis on compassion. The Muslims begin their work by reciting *Bismillah* which means I begin in the name of Allah who is merciful and Compassionate. It is, therefore, duty of every Muslim to be merciful and compassionate towards others. He cannot, otherwise be a good Muslim. The Prophet is reported to have told his wife Ayesha : "Whatever is done with grace enhances its value, and that which lacks grace loses all value." The Prophet also prohibited cruelty and torture. He said: "No one should be subjected to chastisement by fire." He also admonished against hitting any person on the face.

The Prophet was compassionate towards animals also. When a donkey was branded on face he admonished its master and said even if it is necessary to brand the animal, brand it on side or some other less sensitive part of its body. One may object to Islamic punishments of flogging, cutting off of hands etc. We propose to deal with this subject separately as it requires detailed discussion by itself. However, we would like to say here that the way some Muslim theologians have treated these punishments has created impression of rigidity and cruelty. Even if these punishments are taken as ultimate ones, the Prophet inflicted them in the extreme cases. There is hardly any case reported of cutting off of hands for theft during his life time. When a sick person came and confessed before the Prophet that he is guilty of fornication, he asked 100 branches of date-palm tree to be tied together and one blow to be delivered to him to obviate the need for 100 lashes required as a punishment. When a case of theft of fruits by a child from an orchard was reported to him, he chided the owner of the orchard and asked him to feed and clothe the child. Thus it will be seen that the Prophet showed great compassion even to offenders.

Articles 6-8

These articles are designed to secure for all persons recognition and equality before the law and protection of the law without discrimination. It should be noted that Islam has laid basic emphasis on justice and equality before law. In fact for weaker sections of society it has shown consideration and in some cases severity of punishment is reduced as it is their circumstances which induce them to commit offence. For example if a slave-girl commits adultery or fornication, its punishment is half that of free woman i,e, she would be delivered only 50 lashes instead of 100. Thus the Quran says, "when they (i.e. slave-girls) are taken in marriage, they shall suffer half the punishment for free married women." (4:25)

The judges are exhorted to be just and should not show any traces of partiality. "When you judge between the people," the Quran says," "Judge with justice. Surely, excellent is that with which Allah admonishes you. Allah is All-Hearing, All-Seeing.' *4:58). The Quran also prohibits bribery. It also requires of the believers that even hostility with a people should not come in the way of justice it says: "O you who believe, be steadfast in the cause of Allah, and bear witness in equity and let not a people's enmity towards you incite you to act otherwise with justice. Be always just that is closest to righteousness. Be ever mindful of your duty to Allah. Surely, Allah is aware of what you do." (5:8).

Another verse also exhorts Muslims for justice. It goes on to say : "O you who believe, be strict in observing justice, and bear witness for the sake of Allah, even though it be against your own selves, or against parents or kindred. Whether they be rich or poor, Allah is more regardful of them than you are. Therefore, guard yourselves against being led astray by low desires, so that you may be able to act equitably. If you conceal the truth or evade it, remember that Allah is well aware of what you do." (4:135)

It will be observed here that the Quran lays down very rigorous standards for justice. One must do justice even if it goes against oneself, ones parents or relatives, or rich or poor. One should not distort or turn away form truth. This amounts to real equality before law. Law should neither favour nor spare anyone. Apart from the prophet of Islam, the Caliphs also practiced rigorous form of justice. In their letters written to their provincial governors, 'Umar and 'Ali, the two illustrious Calphs, have laid down the Quranic concept of justice. 'Ali, who was also son-in-law of the prophet, writes in his latter to the governor of Basra that he should not keep company with the rich and should not form the habit of eating rich food so that he could do justice to the poor. The idea is that the poor and the rich are equal before law and the powerful should not be spared if they do wrong.

Articles 13-15

Articles 9-11 relates to arbitrary exercise of executive powers or administrative authority and due exercise of justice where criminal charge is involved. This has been covered under dispensation of justice in Islam and need not be repeated here. The article 12 relates to individuals and their right to privacy. Islam duely safeguards it and goes further and exhorts people not to violate others privacy by entering their houses without permission. (24:27-29). We do not want to go into details of this right here. The articles 13-15 pertain to nationality, freedom of movement and residence and asylum.

In fact there was no concept of nationality in those days though some sort of restriction on travel from limits of one empire to another empire might have existed. But the Quran exhorts the believers to travel through the earth and see Allah's creations with a sense of wonderment. As for right to seek asylum against persecution, the Prophets's companions themselves had sought asylum in Ethopia in early days of Islam and subsequently the Prophet and his companions also had to migrate form Mecca to Medina to escape persecution. Thus the

right to seek asylum is very fundamental in Islam. We find an interesting verse in the holy Quran which refers to individual's choice to migrate for seeking asylum.

The Quranic verse is as follows : (As for) those whom the angles cause to die while they are unjust to themselves, (the angels) will say: What are you doing? They will say : we are weak in the earth. (They will) say : Was not Allah's earth spacious, so that you could migrate therein? So these it is whose refuge is hell – and it is an evil resort. Except the weak from among the men and the women and the children who have not the means, nor can they find and way (to scape)." (4:97-98). Thus it will be seen that the Quran grants people a right to seek asylum and to escape from the land of persecution.

Article 16

This article deals with the right to marry, equal rights of the parties to marriage, consent to the marriage and the protection of the family. These rights were also ensured by Islam both to men and women. Marriage in Islam is contractual and can take place only with the consent of both the parties. Women cannot be married off without their consent. No nikah can be complete without their consent. Also, women are allowed to lay down the conditions they wish. Even if girls have been married off in childhood (though the Quran makes no mention of marriage of children), they have been given what is called *khiyar* al-bulugh (option of puberty) i.e. they can consent to or reject the marital contract entered into on her behalf by her father, uncle or grandfather. She could not be coerced into entering marital union. Also, marriage can take place only on conditions laid down by women; also, of course by men. It is truly equal partnership in its spirit.

Even if divorced women want to marry their former husbands back, they cannot be coerced not to do so. "And when you divorce women", the Quran says, "and they end their term, prevent them not from marrying their husbands if they agree

among themselves in a lawful manner." (2:232). Though divorce is not encouraged, it is not prevented either, in case the marriage cannot be salvaged. Both men and women have right to divorce. Women can seek divorce called *khut* (i.e. seeking release from marital bond). Her right to khul'. As the Prophet's practice shows, is absolute. The Qaddi must grant her divorce, if she insists upon it.

Islam is probably the first religion to make marriage contractual and grant women equal rights in marital contract. Though in Arabia before Islam, marriage was a contract, women did not enjoy equal rights. It is Islam which granted her specific rights as an equal partner. Though she lost much of it during medieval ages, it can be retrieved again by going back to the Quranic spirit. That women enjoy equal rights with men has been amply clarified in the verse 33:35 of the Quran. That her rights are equal to her obligations has been stated in the verse 2:228. Women have also been fully protected by the Quran against irresponsible accusations against her chastity. Thus the Quran says: "Those who make accusations against chaste women and bring not four witnesses in support thereof – flog them with eighty stripes, and never admit their evidence thereafter: it is they that are the transgressors, except those who repent thereafter and make amends, for truly Allah is Most Forgiving, Merciful." (24:4-5).

Articles 18-19

This is in a way key article as it relates to freedom of thought, conscience, religion, opinion and expression, including the freedom to charge ones' religion and manifest it in teaching, practice, worship and observance, and the freedom to seek, receive and impart information and ideas through any media and regardless of frontiers.

Unlike what is usually thought (and what often theologians often stress), Islam fully guarantees freedom of thought and conscience. It has proclaimed this in verse 2;256 in these words:

"There shall be no compulsion in religion. Surely, guidance has become distinct from error; whosoever refuses to be led by those who transgresses, and believes in Allah, has surely grasped a strong handle which knows no breaking." Also, in verse 18:29, the scripture of Islam proclaims: "Proclaim: It is Truth from your Lord; wherefore let him who will, believe, and let him who will disbelieve." Thus it will be seen that the Quran imposes no compulsion whatsoever to accept the Truth from God. It is left to ones free choice. The Quran makes this further clear lest someone tries to exercise coercion: "If the Lord had enforced His Will, surely, all who are on the earth would have believed together. Can you, then, force people to become believers?" (10:99). This is clear proclamation of freedom of conscience.

Yet again the Quran says: "Proclaim: O ye people, now has the truth come to you from your Lord. So whosoever follows the guidance, follows it only for the good of his own soul, and whosoever, errs, errs only to its loss. I am not appointed a keeper over you. Follow that which is revealed to thee and be steadfast until Allah pronounce His judgement. He is the best of the judges." (10-108, 109)

As for freedom of teaching, practice, worship and observance of religion, there are several verses in the Quran, 'Everyone", the Quran says, "has a direction to which he turns, so vie with one another in good works." (2:148). Thus it is not direction or way of worship which is material but outdoing each other in good deeds. Everyone is free to worship Him in ones own ways. The Quran is more specific about freedom to worship and practice ones religion in the following verse: "To every people We appointed acts of devotion, which they observe, so let them not dispute which thee in the matter, and call to thy Lord. Surely thou art on a right guidance." (22:67)

Similarly the Quran calls upon people to reflect think and exercise ones judgement. It discourages blind imitation, be it of ones own parents. This call for reflecting thinking and exercising

ones faculty of reason, ensures to everyone the freedom of conscience and freedom of expression.

What we have discussed above is what has been laid down in the Charter of human rights and how far Quranic and Islamic ideals come close to it. The Quran had been very liberal in this respect. However, it does not mean that the Muslims have practiced these ideals. Far from it. There is not a single ideal which has not been violated by them, it would not be wrong to say that hardly any Muslim nation today has satisfactory record of human rights. Democracy is conspicuous by absence in most of the Islamic countries. Most of these countries are ruled by monarchs, sheikhs or despots. Hardly any country permits freedom of conscience and free exercise of individual opinion. Though Islam was first religion to uphold democratic ideals, Muslim countries trample them underfoot must unabashedly. In the Islamic world today there is rampant consumerism today on one hand, and; ruthless suppression of human rights, on the other. Both negate the Islamic ideals of life. It must make all of us sit and think seriously.

ISLAM AND NATIONALISM

What is relation between Islam and nationalism? Does Islam approve of nationalism or rejects it. Many Muslim theologians and intellectuals maintain that Islam does not approve of nationalism. Islam, they maintain, is an international religion and cannot be confined to any territorial limits. The noted poet from India Muhammad Iqbal said in one of his verses that what is nation (*watan*) is Islam's shroud (*kafan).*

What Iqbal means to say is that nationhood is death of Islam. Muslims constitute an *ummah* and *ummah* cannot be confined to any territorial limit. However, Maulana Husain Ahmed Madani, the eminent Islamic theologian from India, maintained that nation is a geographical concept whereas *ummah* is a religious or spiritual concept. Muslims are *ummah* and are, in that sense, an international community. But, the Maulana says, one should not confuse between the concept of nation and the concept of *ummah*. The former is a political category whereas the latter is a religious category.

Thus it is interesting to note that Maulana Husain Ahmed Madani who was also the president of the Jami'at al-'Ulama-I-Hind', refused to support two nation theory propounded by Jinnah and his Muslim League. He, instead supported the composite nationhood (*Muttahida Qaumiyyat*) and had written a book called *Islam aur Muttahida Qaumiyyat* (i.e. Islam and Composite Nationalism).

It is quite interesting to note that Maulana Husain Ahmed Madani quoted, in his above book, the covenant which the Prophet (PBUH) drew up with people of Madina belonging to different religions and tribes (it is called the *Mithaq-I-Madinah*). The Maulana called it the predecessor of the modern concept of nation. The Prophet drew up the covenant between different religions (Jews, Muslims and pagans) and various tribes (Jewish, Muslim and Pagan) and described this composite community as *ummah wahidah* i.e. one community. Thus the Prophet (PBUH)

transcended the boundaries of religion to constitute a geographical community.

Again, the concept of nation is certainly of modern origin. It originated in Europe in 17th century after the Protestant movement challenged the authority of Catholic Church. These nations came into existence on the basis of common language and culture and a sense of shared history. After break up of the Papal authority there was no common religious bond and this religious bond was replaced by common language and culture.

It has also been maintained by many Muslims that in Islam religion cannot be separated from politics thus maintaining unity of religion and politics. These theologians and intellectual thus deny legitimacy of secular nationalism completely. They think that secularism has no place in Islam and secular politics should be completely rejected. Like nationalism, secularism too, is a modern concept and one cannot find any precedence for secularism in the Qur'an and *Sunnah*.

But we find both nationalism and secularism in many Muslim countries. Turkey, for example, is both secular as well as a nation state. Even Indonesia, the largest Muslim country in the world today is a secular nation. Many such examples can be multiplied. It would be very difficult to find unanimity of opinion on such controversial issue. What is needed is *ijtihad* and creative and imaginative thinking which does not clash with fundamentals of Islam.

In fact right in the beginning of Islam there was no political theory. There was, as we have shown in our book *The Islamic State*, there was no concept of state in the Qur'an or in the *hadith* literature. The very concept of state did not exist among the Arabs. It is tribal chiefs who took all decisions in Mecca through a tribal council called *mala'*. There were no state institutions like the police or army even after the Prophet of Islam established a political unit in Madinah. It would be difficult to describe it as a full-fledged 'Islamic State'. Everyone worked voluntarily inspired

by moral and spiritual teachings of Islam and under the direct guidance of the Holy Prophet.

There were no defined functions nor there were state functionaries maintained by the state funds. All these functions were purely morally inspired and only reward expected was in *akhirah* i.e. the Hereafter. If one fought against the enemies it was also voluntary courting martyrdom for a moral cause and, if won, could get a share in the defeated enemy property as per the well-established tribal practice.

Similarly, for internal law and order or security there was no police or para- military force. Even the offenders tended to treat their offence as offence against Islamic morality rather than against the state and more often than not, they voluntarily presented themselves for punishment so that they are not punished in the Hereafter by Allah. Obviously such a moral dispensation cannot qualify as a state. It was moral rather than political community.

Since we cannot call it a state it cannot qualify for a term like the Islamic state. This term will not be found even during the Umayyad or Abbasid period. The Umayyad or Abbasid political establishments were known as Caliphate rather than Islamic State. The terms like the Islamic State or Islamic nation are modern day terms. The word *khilafat* also does not connote any concept of state but of succession to the Prophet.

The mode of succession also was full of controversy. There was no unanimity among Muslims as to who or how one would succeed to the Prophet, through nomination or election? It was this question which brought about formal split among the Muslims. Those who are known as Sunnis maintained that succession should be through *bay'ah* (pledge of loyalty) of the believers and those called Shi'ahs maintaining that the Prophet (PBUH) had nominated his successor.

Thus the concept of Islamic state cannot be traced to Qur'an or Sunnah as no such concept existed in those days. The Caliph

was treated as the supreme leader of Muslims who led them in religious as well as worldly matters. Again, he was more of a religious and moral leader than a political one. His primary duty was to guide the believers in the light of the Qur'an and Sunnah and by evolving *ijma'* (consensus) among them on controversial matters. The khilafat did have well defined concept of functions, rights and duties. The whole discourse was a moral and not a political discourse. The word *siyasah* also came into existence much later and was derived from the function of tending and controlling horse. A ruler was also thought of tending and controlling people. There was no such division as the state and civil society.

The concept of civil society is also a modern concept when people got civic rights and the whole political discourse became discourse of rights, not of duties. Those who propound the theory of Islamic state lay stress mainly on duties of believers, not of their rights. One cannot think of modern state without the concept of rights. In the theory of Islamic state the whole discourse – whether it pertains to the rulers or to the people – is a moral discourse and in terms of duties.

Modern democracy cannot function without the concept of, as pointed out, rights. In the Islamic discourse minorities are treated as *dhimmis* i.e. responsibility of the Muslims to protect them and to provide them the security of life and property. Thus Muslims have duty towards minority but there is no concept of minority rights as such. In modern nation state minorities have well defined rights and they can sue the state if these rights are denied to them.

Thus it will be very difficult to talk of Islamic State in the early period in the modern sense. All modern Muslim states are territorial states with well-defined territorial limits whereas we find no such concept in earlier political theories like those of Mawardi who is first major political thinker among the Muslims.

When the khilafat came into existence after the death of Holy Prophet there was no concept of territorial limits. Islam was

essentially confined to the Arabian Peninsula. When the first caliph Abu Bakr took over as the first caliph Islam had not spread outside Arabia but then began the Muslim conquests and soon entire Roman (Byzantine) and Iranian (Sassanid) empires were humbled and large parts of their territories became part of Islamic Caliphate.

It was even theorised, after incorporation of these territories that there can only be one caliph, not even one. The caliph was also known as *Amir al-mu'minin* i.e. the leader of the believers and there could be only one leader of all believers, not two. Thus the whole concept was of (religious) belief, not of territory at all. During the Umayyad period this concept of one caliph for entire Islamic world persisted but this became irrelevant when the Abbasids overthrew the Umayyads and Umayyads established a parallel caliphate in Spain. Again this had to be justified that there could be two *Amirs* of believers.

It was just the beginning. Subsequently more and more rulers came into existence and territory rather than religion, became fundamental category. Now each ruler had well defined territory over which he ruled. The moral also began to be overshadowed by the political. The political had of course established its predominance over the moral of early caliphate during the Umayyad period itself. There was hardly any Islamic teaching which was not violated by them. It was far from being an Islamic regime. It was perceived to be quite tyrannical and all prominent companions and companions of the companions of the Prophet were against the Umayyad regime. It was during such regime that a hadith began to be circulated that to be Islamic it was enough if prayer (*salah*) was established which the Umayyads did. All other cardinal principals of Islam like justice, equality, compassion, piety etc. were not necessary. Still the Umayyad rulers claimed to be caliphs. The Umayyads also spread the doctrine of *jabr* (divine determination) as against that of *qadr* (freedom) to establish that what was happening was inevitable and out of divine will and nothing could be done about it, it being the divine will.

The Abbasid dynasty proved no better. It should also be seen that both Umayyads as well as Abbasids were dynastic rule and had nothing to do with the earlier Caliphate model which was far from being dynastic. The Khilafat was close to elective principle than the dynastic principle. It was because of its elective principle that it was held sacred by Muslims, particularly Sunni Muslims. The Caliphs, unlike the Umayyad and Abbasid rulers, were far more committed to Islam, its values and its teachings. So at all these stages it hardly makes any sense to call these establishments (early Khilafat, Umayyad and Abbasid rules as Islamic State.

In fact, as pointed out before, the very term Islamic State is a modern one coined during the colonial period in nineteenth and twentieth centuries. The medieval period had no concept of state. This concept is fairly modern one. A modern state has a constitution, well -defined powers and a political structure. As against the state there is notion of a civil society which also has its well-defined role and notion of rights. As far as 'Islamic state' is concerned it is very difficult to define its structure.

For example the 'Islamic State' of Saudi Arabia has no constitution or democracy. The Saudi rulers maintain that the Qur'an is their constitution. There is no concept of civil society in Saudi Arabia as citizens have no rights, they only have duties. Maulana Maududi, on the other hand, talks of 'theo-democracy' rather than democracy. In this 'theo-democracy' too, there is no notion of civil society or human rights. The state cannot even legislate as the Shari'ah is the only legislation and no one has power to alter it. And according to the Islamists, Shari'ah is very comprehensive divine legislation and so there is no need for any legislation except on some subsidiary matters.

Iqbal, the noted poet, was supporter of **ijtihad** and thought that the parliament in an Islamic State would bring about necessary changes in Islamic Shari'ah t6hrough ijtihad i.e. creative interpretation of the Islamic law. Thus as far as Iqbal is

concerned, the Parliament shall have legislative powers but as for other Islamic thinkers it will have hardly any legislative powers.

No wonder than that in most of the Islamic countries there is either no democracy, parliament etc. or quite controlled kind of democracy. But all these states in Islamic countries do have well-defined territories and no Islamic country is prepared to cede an inch of its territory. That clearly means that these countries do have well- defined territorial limits. Nation is defined within well-defined territorial limits. Thus nationalism has been accepted by all Islamic countries in the Islamic world. They have also accepted the concept of citizenship as territory alone cannot make a nation.

Thus nationalism is an accepted phenomenon throughout Islamic world. And the nation states exist in all Muslim countries. It is also true that a Muslim from one Muslim country cannot freely go to another Muslim country without valid travel documents and these documents will permit him a limited stay in the host country. This is precisely what Maulana Husain Ahmed Madani points out in his book *Muttahida Qaumiyyat Aur Islam* that the concept of *ummah* cannot be political but religious and spiritual.

Muslims throughout the world do not constitute a political community. It was possible only in early period of caliphate – during what is called the period of *Khilafat-I-Rashidah* when Muslims could move from one part of the Caliphate to another part. There were no restrictions. But when many Muslim rulers emerged on the scene restrictions began to appear. And now in modern nation-states no Muslim can go and settle in any other Muslim territory unless permitted to do so according to the rules. Thus the concept of the modern nation state has been universally accepted by all Muslims including the Islamists. Ummah, no longer means and Islamic political community.

The religious minorities in these Muslim nation states are no longer treated as per the Shari'ah concept of *dhimmis* but as citizens according to the constitutional provisions of the country.

The nation state, be it Muslim or otherwise, is a political and not a religious entity. And citizenship rights are given not on the basis of religion but on the basis of birth in a particular territorial state.

Even Saudi Arabia, which claims that the Qur'an is its constitution, does not allow Muslims from other parts of world to settle in its nationally defined territory. Even for the purpose of Haj one has to obtain visa. Had the Saudi Government followed the Qur'anic model, it should allow all those Muslims, whoever wishes to settle down in its territory as all Muslims are an '*ummah*'. But the Saudi Arabia does not allow any non-Saudi Muslim to settle down in its territory. How can then it claim that Qur'an is its constitution?

Thus in modern times the concept of *ummah* can only be spiritual and religious and not political. Islam, as a religion, is followed by Muslims holding very different nationalities and enjoying different degrees of political rights in their nation states. The territorial spread of these Muslim states is such that even a confederation is not possible. Also, despite belonging to one religion Islam their mutual relations are not always cordial. In many cases they are hostile and antagonistic.

Let alone all Islamic states, even the Arab states cannot come closer and form a confederation. Iraq invaded Kuwait and Arab states were divided into two hostile camps and even invited the USA to invade Iraq and compel it to vacate Kuwait. Many Arab states support the USA in its campaign against Iraq. Had there been acceptable concept of one *ummah* in political sense such developments would not have occurred. The European nations have created European Union despite different languages and cultures and absence of shared sense of history. But though there is common language Arabic, one religion and one culture, Arabs have not been able to form any such Union of Arab States, let alone of all Muslim countries.

It should also be stressed that except some on the extreme fringe, Muslims generally no longer talk of one *ummah* in political sense. Nationalism and Islamic State has by and large.,

come to be accepted throughout the Islamic world. Also, despite having common Shari'ah law there are greatly differing political and social needs for legislation and body of legislations in these Islamic countries differ widely form each other. Except a few Muslim countries like the Saudi Arabia Islamic criminal code has been almost abandoned in most of the Muslim countries. It was done so in the colonial period.

It is true that some Muslim countries are trying to bring back the Islamic criminal code but it is more to win political legitimacy by undemocratic rulers than a felt religious need of the Muslim masses. Many Muslim countries like the Sudan and Nigeria have significant proportions of non-Muslim (Christian) population and it creates great difficulties to apply Islamic criminal code to these non-Muslim citizens.

As Muslims have accepted notion of nationalism they should also strive to re-think various connected legal issues through the process of *ijtihad* and evolve new body of legislation fit for modern composite nation states. Today majority of Muslims in the world live as religious minorities in several non-Muslim countries. And, most of them enjoy all citizens' rights (though there may be some or the other difficulties) the Muslim majority countries should also treat their non-Muslim minorities as equal citizens not only as a reciprocal measure but as a matter of principle.

It is true that the concept of *dhimmi* was quite progressive one when Islam established its hegemony in the world in 7th and 8th century but today, with modern concept of citizenship of a nation state, it is certainly inadequate. Thus the concept of *dhimmi* should be replaced with the concept of citizenship for non-Muslim citizens in all Muslim majority countries.

Also, Islam had evolved the principle of full freedom of conscience and freedom of religion, which was most modern in its content and this should be practised unambiguously by all Muslim political regimes. The Holy Prophet of Islam had given full freedom of faith to not only Jews, but also to pagan Arabs in

Madinah through the Covenant of Madinah. This needs to be followed meticulously by the modern political regimes.

Lastly, as nation states have been fully accepted by all Muslim countries they should also accept democratic way of governance which too, is quite in keeping with the Qur'anic spirit and the spirit of Sunnah. Dictatorship, dynastic or military rule is, on the contrary, quite contrary to the spirit of Islam.

WESTERN FEMINISM OR RIGHTS OF WOMEN IN ISLAM

There is strong criticism of those who work for rights of women by conservative Islamists and they are accused of imitating Western feminism. It is debatable whether it is so but even if it is what is wrong with it? Western feminism is based on secular ideology but upholds dignity of women and their rights. If secularism is not always negation of religion (only atheistic secularism negates it, not other forms of secularism) and in most cases it is not, there is no objection to feminism. The Holy Prophet says acquire wisdom (*hikmah*) wherever it is found as it is believer's (*m'umin's*) property.

It is well known that until sixties even Western societies – despite their secularism – had not accorded equal rights (sexual equality is still not meticulously practised in Western societies) to women. In fact even right to inheritance and property was given to women in Western countries in thirties. In some countries women got right to vote only during the decade of thirties. The women had to struggle, a lot in the West for acquiring these rights, which Islam had given to them centuries ago.

Even in Western countries the debates go on many issues and many women's organisations are not fully satisfied about the women issues. Man's domination continues in most of the spheres including the domestic sphere. Man certainly enjoys more privileges, if not rights, in those western countries. Man still resists performing domestic chores and even wife beating is not unknown.

The fact is that patriarchal structure of society is still going strong and one does not know whether it will disappear in the foreseeable future. It is for this reason that with few exceptions political power rests with man in most of the countries. Again, in most of the western countries representation of women in legislative bodies hardly exceeds 10 per cent though their population is close to fifty per cent in all societies. It is for this

reason that the feminists are struggling for equal rights in western countries too. All one can say is that the condition of women is somewhat better compared to third world countries or Islamic countries. Though in western countries equality of sexes has been established theoretically it is far from having been achieved in practice.

And those struggling for women's rights in third world countries in general and, in the Islamic countries in particular have to struggle against much greater odds. These odds remain insurmountable even if these women work within the framework of Islam. Many Muslim countries like Kuwait even refuse to give its women right to vote. The Saudi Government does not allow its women even to drive even when accompanied by their husbands, let alone go out alone in public.

We have such primitive conditions in several Islamic countries and if women protest against such intolerable restrictions they are dubbed as 'western feminists'. The real thing is that such demands of equal rights hurt male ego. Male domination is not at all Islamic, though it is justified in its name. Men use some selective verses from the Qur'an, ignore their social context and use them to perpetuate their domination. They conveniently ignore the verses empowering women or laying down equality of both the sexes. In fact in verses like 2:219, 2:228 and 33:35 there is clear statement about equality of both the sexes and yet they are totally ignored and instead they quote verses like 4:34 to establish their domination. They even distort the meaning of words like *qawwam* used in above verse to retain their hegemony.

They also use several *ahadith* (Prophet's sayings) to put undue restrictions on women. It is forgotten that thousands of *ahadith* cannot be even authenticated as many of them were forged by those who had anti-women attitude and these *ahadith* are used as authentic source for legislation about women even when they contradict clear Qur'anic assertions. Thus the Saudi

law not allowing women to venture out alone is not Qur'anic but based on a *hadith* which prohibits women going out alone.

Even if the *hadith* is authentic one totally ignores the social conditions then and now. In those days there was conflict between the Jews and Muslims and the Jews used to tease Muslim women and so in view of this the Prophet might have cautioned women not to venture out alone. Most of the *ahadith* are narrated without mentioning any context or reason and these are followed by the orthodox 'ulama mechanically. And practices like prohibiting to drive does not even have any base in *hadith*. There were no automobiles in those days.

One cannot even derive it by inference or *qiyas* (analogy) as women were not prohibited by the Holy Prophet from riding camels or horses. The women did ride camels and horses and they even drove them by themselves. Such prohibition is nothing more than extreme conservatism of the Saudi 'ulama and their stubborn refusal to concede rights to women. It is interesting to note that while the Saudi Government does not allow women to drive cars the Iranian Government has started exclusive taxi service to be run by women. Thus Iranian women can not only drive private cars but can also be a taxi driver.

Similarly while the Kuwait Government refuses its women to vote other Muslim countries like Pakistan, Bangla Desh, Egypt and other countries allow them to vote. How does one explain these contradictory practices? Are their different Islams or there are differing attitudes towards women? Thus it is not Islamic sources but men's attitude which matters.

And when Muslim women demand their rights – and Islamic rights at that – they are denounced as western feminists. It is a fact that Muslim women enjoy differing degree of rights in different Islamic countries. While in Turkey Mustafa Kemal Pasha introduced secular Swiss code thus according equal rights to both men and women on one hand, and, the total restrictions in Saudi on the other hand. In other Muslim countries like Egypt, Morocco, Algeria, Jordan etc. there is comparatively greater

latitude of freedom for women. It is because the rulers in these countries are more liberal towards women.

Thus it is not Islam, which comes in the way but man's attitude which determine the laws of Muslim countries regarding women. But these men in various Muslim countries invoke name of Islam to stem the tide of women's movement for better rights dubbing it as western feminism.

Some Muslim countries like Pakistan and Bangla Desh had or have women prime minister and some Muslim countries like Kuwait do not accord women right to vote. Such gross contradictions are really difficult to gloss over in the name of Islam. It all depends either on social conditions of that country or even on political exigencies.

When Fatima Jinnah tried to contest for the office of President in early sixties against Ayuub Khan, the latter wangled a fatwa from the conservative 'ulama that a woman cannot become head of the state. They quoted a hadith from the Holy Prophet that if a woman becomes head of a nation that nation will face disaster. However, the supporters of Fatima Jinnah which included head of Jama'at-e-Islami Maulana Maududi approved of her contesting the President's election. They also managed to obtain a fatwa to this effect from a prominent 'alim like Maulana Ashraf Ali Thanvi who justified on grounds that in democracy the head of a state does not have absolute powers but depends on votes of members of parliament whose majority is of men.

All these political games are unfortunately played in the name of Islam rather than giving women rights due to them in a modern democratic society and which are not contrary to the teachings of the Qur'an. Most of the Muslim women in Islamic countries are not guilty of following 'western feminism' but are agitating for their Islamic rights. The Taliban regime was the worst offenders in this respect. They not only followed the rigid Saudi laws but put more restriction than the Saudis do.

The Taliban who were essentially following tribal norms justified all that in the name of Islam. They did not even allow women to go out for schools and madrasas totally ignoring the famous *hadith* of the Prophet that seeking knowledge is obligatory both for Muslim men and Muslim women (muslimah). The prophet separately mentioned Muslimah keeping in mind that soon after him the Muslim men would restrict women from acquiring knowledge. The Prophet used the word *'ilm* which includes both religious as well as secular knowledge.

However, with few exceptions throughout medieval ages Muslim women were not allowed to acquire literary skills and reason was cited that learning reading and writing would corrupt them and they might write 'love letters' to strangers which is sin. Today no one argues on these lines and of course Muslim women are acquiring secular as well as religious knowledge in public institutions. And this is no more considered as un-Islamic.

Thus what was considered un-Islamic until yesterday has become perfectly Islamic today and is accepted with good Islamic conscience by men in all Islamic countries. Many Muslim countries even permit co-education, which was great 'sin' until recently. Thus it can be seen that much depends not on Islam but on social dynamics, on medievalism or modernity, on orthodoxy or liberalism.

The man in male-dominated society in Muslim countries forgets that Islam ushered in its days a great revolution, which can be called feminist revolution today. It accorded equality to both man and women in various ways sometimes saying that "women have rights similar to those against them" (2:228) and sometimes saying for everything men and women will be equally rewarded (33:35).

But except for initial period of few decades Muslim women never enjoyed equality in the Islamic world. Soon, for various reasons, more and more restrictions were imposed on them. Though there was absolutely no place for monarchy in Islam, the institution of monarchy developed in the Muslim world within 30

years of the death of the Prophet and all feudal customs and traditions associated with monarchy came to be adopted by Muslim monarchs (though continued to be called caliphs for religious reasons) including severe restrictions on Muslim women. In other words all feudal practices were imposed on women in the Muslim world which continue until today.

Within hundred years after the beginning of the Islamic calendar she almost lost all her Qur'aic rights. Qur'an recognised her as legal entity and gave her all rights including contracting marriage, divorce, right to inherit, to have her own property, to earn and have her own income and to own her own business. But by the time the Umayyads consolidated their rule, all pre-Islamic traditions and customs were revised and also feudal traditions added to them thus completely subjugating women.

The Qur'an had required her to dress in dignified manner and conceal her sexual charms, the Muslim society put her under veil requiring to conceal her face completely. She could only peep though her two holes provided in the veil. This is no where the intention of the Qur'an yet this form of veiling is practised in many Islamic countries today.

She was confined to her house whereas during the Prophet's time and for quite some time thereafter she even took part in battles fought against non-Muslims. It is said that it was Umm Ammarah who saved the Prophet's life in the battle of Uhud. However, from Umayyad period onwards she was not even allowed to go out of home without her husband's permission after marriage and with father's permission before that and that too accompanied by some male relative called *mahram* (a blood relation with whom marriage is not permissible like brother, uncle etc.)

A *hadith* was also invented requiring her to be totally obedient to her husband and that *sajda* before husband would have been ordered had it not been prohibited for anyone except Allah. This *hadith* is reflective of the feudalisation of Islamic ethos. In other words women by then had lost her autonomy and

what revolutionary changes and empowerment of women effected by the Qur'an were totally lost.

It would be interesting to quote here from a medieval text to show the concept of an ideal woman prevailing in that society. "An ideal women", according to this medieval writer, "speaks and laughs rarely and never without a reason. She never leaves the hose, even to see neighbours or her acquaintance. She has no women friends, gives her confidence to nobody, and her husband is her sole reliance. She accepts nothing from anyone, excepting her husband and her parents. If she sees her relatives she does not meddle in 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 to performing the conjugal rites, she agrees to satisfy his desire and occasionally provokes it. 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 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." (See Shaykh Nefzawi, *The Perfumed Garden*. Tr. Richard F. Burton, New York, 1964), p-97). This is how a Muslim woman was pictured in medieval ages.

It is these feudal restrictions that we have inherited from our past and we glorify them as 'Islamic' and any deviation from it is condemned as western feminism. These restrictions are still practised in most of the Muslim countries because they still have not been democratised and women have no access to modern education. There is hardly any Muslim country, which has democratic governance. Either there is monarchy or military dictatorship or controlled democracy.

However, modernisation is also going apace and it is difficult for the rulers in Muslim countries to resist spread of modern education among women. More modern education spread among women and society becomes increasingly democratised,

awareness for rights grows among them and they demand their rights either on Islamic or secular grounds.

It is interesting to note that while in several Muslim countries like Saudi Arabia and Kuwait women are demanding modernisation and political and social rights some women in Turkey are keen to go into *hijab*. In many non-Muslim countries also a section of Muslim women are taking to *hijab*. It is important to note the reasons for the same.

Though in general women are demanding their rights in all countries some Muslim women feel proud to observe Islamic dress code. It is more for reasons of identity. Westernisation (which is not necessarily modernisation and one must distinguish between the two) has led to certain excesses in manner of dressing which violate sexual modesty as the whole emphasis is on displaying feminine charms and body line rather than conceal them.

Today there is feeling among the people in developing countries of western culture assuming hegemonising role, which creates resentment. Globalisation has further strengthened the hegemony of western culture and the people of developing countries have become quite conscious of their own culture and cultural practices. The Muslim women are also taking to their own cultural way of dressing to assert their cultural identity. *Hijab* should thus be seen as part of this process rather than a way of restricting women. Thus *hijab* today is part of visible cultural identity than anything else. However, this *hijab* should not be imposed and should not cover face to become restrictive. Wearing scarf or *chador* as Iranians call it, should suffice.

Such way of dressing should neither be imposed nor should it be opposed. In Turkey, the Member of Parliament was also not allowed to attend the House wearing *hijab*. She was disqualified from membership fearing she represents fundamentalists in Turkey. Such compulsion to wear only western dress is as condemnable as making it compulsory to wear *hijab*. A woman

should be free to wear dress the way she likes though within the limits of modesty.

One should not condemn any movement for empowerment of women as western feminism. Women are as much human beings as men and today women's rights are part of human rights. Women have every right to take part in all social, cultural and political movements. They should not be debarred from any arena. There is no sphere of activity in which women have not excelled men. It is only in Muslim countries that she is still restricted from taking part in public sphere.

It is unfortunate that there is even debate whether a woman could pray in the mosque or not. Many Muslim communities still do not permit women to pray inside mosques let alone allow them to take part in public activities. In countries like India now there is reservation in jobs and even in political bodies like *panchayats* and municipalities and municipal corporations. There is reservation for women for posts of *sarpanch* and mayors. Some conservative `ulama gave *fatwa* that a woman cannot contest elections. Muslim women in India rightly defied such *fatwas* and contested elections.

Such *fatwas* are given more out of ignorance of Islamic jurisprudence. The past traditions should alone cannot be the guide for issuing such *fatwas*. As society is changing social legislation should also change in a healthy way. Such change does not necessarily amount to imitating the west. While we should condemn globalisation in as much as it imposes western hegemony we should not reject modernity per se.

Islamic legislation should be dynamic and the concept of *ijtihad* does provide spirit of dynamism to Islamic shari`ah. It is unfortunate that our `ulama are quite incompetent to understand modern society. They are totally past oriented and they think everything past is in keeping with Islamic practices. Time has come to critically evaluate all past practices and legislate afresh in many areas in keeping with the Qur'anic values on one hand, and modern spirit on the other.

Our `ulama laid more emphasis on hadith literature than on the Qur'an, particularly, when it came to legislating about women and the hadith literature reflects medieval feudal ethos than the real Qur'anic spirit. There is, therefore, great need today for women theologian who could properly interpret and appreciate the Qur'anic verses concerning women's rights.

This writer has no hesitation in asserting that Qur'an is very assertive of women's rights and, if read carefully, it accords equal dignity and equal rights to both the sexes. However, this spirit of the Qur'an could be appreciated either by women theologians or men committed to women's rights.

ISLAM, GLOBALISATION AND FUNDAMENTALISM

Is there any relationship between religious fundamentalism, specially Islamic fundamentalism and globalisation? There is no doubt that one witnesses world- wide phenomenon of fundamentalism today. Is it a new phenomenon? If not, why fundamentalism is on the increase? Also, is globalisation a new phenomenon? Or is it a new name for the old phenomenon, which has always existed in the world. Same question can be posed about fundamentalism as well. Is fundamentalism a new phenomenon? Or is it an old one given new name? Also another important question is what is fundamentalism?

First let us answer the question what is fundamentalism? Can it be applied to all religions or only to Christianity? I think the term fundamentalism should not be applied to all religions without proper qualifications. The term fundamentalism was first applied to the Protestant Christian movement in America, which believed that every word of Bible is literally true. It was not used in pejorative sense.

Thus if the word fundamentalism was used in a particular sense for a Christian movement can we use it for other religions, particularly to Islam without proper qualification? I do not think it will be appropriate to do so. The word fundamentalism was applied to Islam for the first time by American media when Islamic revolution was taking place in Iran in late seventies and it was applied in a pejorative sense. Since then the world media has been using it (i.e. Islamic fundamentalism) in a very negative sense. Not only journalists but also academics are using it world-wide pejoratively.

What is Islamic fundamentalism? In fact Islamic fundamentalism has become most widely used term both in media and academia in a very loose sense. The Americans had deliberately coined this term to serve their political agenda. The

Shah of Iran served American interests most faithfully in the region. Ayatollah Khomeini who led the Islamic revolution was, on the other hand, very hostile to America and called it a great Satan. Thus Islamic revolution of Iran dealt a great blow to the American interests in the region and hence America began to denounce Islamic revolution of Iran and applied the term "Islamic fundamentalist" revolution. American media used headlines like "militant soldiers of Allah on march".

Thus it can be seen that the term 'Islamic fundamentalism' is basically a political term rather than a religious one. It basically conveys a sense of political hostility rather than religious rigidity, militancy, conservatism or orthodoxy. American media did not describe Saudi Islam, which is more rigid and orthodox but friendly to America was never condemned by American media as fundamentalist. Thus fundamentalism is basically a political term.

Fundamentalism in this essay, will however, be used to mean religious rigidity, militancy and extremism as well as use of Islam for political ends rather than for spiritual and moral development. Mere dogmatic approach to moral and spiritual questions should not be dubbed as fundamentalism. The term Islamic fundamentalism thus should be used with proper qualification.

Let us now define globalisation. Is globalisation a new phenomenon? I do not think it is. Globalisation is as old as the human habitation on the earth. Various tribes migrated from one part of the globe to the other in most ancient periods. Globalisation is said to be about connectivity, connectivity with different parts of the globe. It may be said that today all parts of the world are well connected as never before. But connectivity itself is not an entirely new phenomenon.

Does globalisation by itself lead to religious fundamentalism? There is no such evidence in the past though there is some evidence in contemporary period. Thus globalisation per se does not necessarily lead to promotion of fundamentalism. It happens so only if other factors are present. It

would be necessary to discuss those factors in order to understand relationship between globalisation and fundamentalism.

Globalisation, as pointed out before, is not a new phenomenon. The silk route connected several parts of the world in old times. Human migrations from one continent to another have been known to anthropologists. It is true means of communications were much slower than today but it is a matter of technology. What technology we possess today may prove to be slower tomorrow. Thus mere technology cannot define globalisation though connectivity and speed is of essence in globalisation. Thus all we can say is that the contemporary globalisation is qualitatively better and faster than that of tomorrow.

After defining the two key terms i.e. fundamentalism and globalisation let us see what is the connection between the two in the contemporary period. Is this relation between the two a dependent relationship? Does globalisation today necessarily leads to fundamentalism i.e. religious militancy and extremism? In the absence of other factors one hardly finds any such dependent relationship between the two. Moreover why one talks of Islamic fundamentalism today? Why western media, particularly American media is full of news and write-ups on Islamic fundamentalism and not Buddhist and Christian fundamentalism? Christianity and Buddhism are also two great religions of the world besides Islam. Then why so much talk of Islamic fundamentalism then?

Thus to understand the relationship between globalisation and Islamic fundamentalism we have to introduce another factor which is political, particularly oil politics in the middle eastern region. Without taking into account this factor of oil politics it will not be possible to understand the phenomenon of fundamentalism and globalisation.

As pointed out above the Islamic revolution in Iran is a watershed as far as Islamic fundamentalism is concerned. One hardly heard about this term before the Islamic revolution in Iran. The revolution in Iran upset the American strategies in this region. America lost the 'valuable' support it had for its oil politics. The Shah of Iran not only supported American interests in the region but also supported Israel and Israeli policies, which strengthened American cause further.

Thus America's perception of Islamic revolution in Iran was highly hostile and it dubbed it as militant and extremist and 'fundamentalist'. It gave a great jolt to American policies in the region. Even the CIA never expected such a revolution to take place in Iran. Shah's highly repressive regime was thought to be impregnable by American rulers. They were totally surprised when the Shah's regime collapsed like a house of cards. In 1952 when Mosaddeg had captured power in Iran and nationalised the oil companies the CIA had managed to stage a coup with the help of some religious leaders on one hand, and, that of lumpen elements, on the other. However, this time the foundations of Islamic revolution were so strong that even CIA could not do anything and remained a mere helpless spectator.

The Islamic revolution also removed the sense of helplessness among the Muslims world over, particularly in the Middle East region, which is so sensitive to American interests. For the first time the Muslims of the region felt that America is not so impregnable after all and that it could be defeated. This further increased American threat perceptions. The other supporters of American policies in the region like the Saudi monarchy or Kuwaiti sheikhdom were also trembling with fear. They thought the people of their respective countries may be inspired by revolutionary ideals and overthrow them. However, it was not to be for reasons not to be discussed here.

But nevertheless threat perceptions remained and American policies were redesigned to fight the 'threat of Islamic fundamentalism'. Iranian Islam had to be fought with the help of

Saudi Islam. It is interesting to note that Iranian radical Islam could be countered not with democratic secularism but with more conservative Wahabi Islam.

Whosoever supported Iranian revolution was called 'fundamentalist' and was ridiculed. 'Fundamentalism' became the most widely used but most misunderstood term. The Iranian Islamic revolution also must be understood in all its complexity. The Iranian masses had welcomed the Islamic revolution as it liberated them from Shah's repressive regime and not necessarily because it was 'Islamic'. There were various shades of opinion and different interpretations from liberal to most conservative.

Khomeini himself is difficult to categorise. It is easier to describe him as 'orthodox' but it would not be realistic. His views about Islam and his politics were far more complex. If fundamentalism means, as we have defined above, as representing militancy, extremism and conservatism Khomeini was not fundamentalist in this sense as American media would have us believe.

Khomeini was, undoubtedly a radical. He was greatly concerned with weaker sections of society. He was closer to the left in as much as he championed the cause of weaker sections and denounced western, particularly, American imperialism. His radicalism was of course based on the Qur'an. He repeatedly quoted the Qur'anic verse 28:5 which says, "And We desired to bestow a favour upon those who were weakened in the land, and to make them the leaders and to make them heirs."

According to Ayatollah Khomeini the conflict between the weak and the powerful is eternal and the Qur'an is on the side of the weak (*mustad'ifun*) and opposes the powerful (*mustakbirun*). Thus Khomeini sided with the third world vis-a-vis America though he based his sympathies with the poor not on the basis of any secular but Qur'anic ideology. Khomeini cannot, therefore, be described as "fundamentalist" in usual sense. Even his interpretation of the Qur'an was very different from other orthodox interpreters.

The epithet 'fundamentalist' is often used with political agenda and hence America used it against Khomeini. This is not only in case of America but also others, individuals, parties and groups who accuse others of being fundamentalist. In very few cases the word fundamentalist is used to mean religious orthodoxy, rigidity and inflexibility.

Now coming back to globalisation and fundamentalism whether there is any connection between the two and if so of what nature? Firstly, it should be noted that modern globalisation is qualitatively different from earlier globalisation. The widespread education and information technology makes this qualitative difference. The widespread education has brought tremendous awareness among the people of the developing countries and information technology makes it easier for this awareness to spread. Nothing remains confined to a region or a country. Any major event has global impact. It was not possible in earlier days.

Another important factor is democracy, which empowers people and more often than not, it empowers unevenly. Various collectivities in society, particularly in developing countries where there is so much poverty and backwardness this empowerment is quite uneven. One community or caste or tribe grabs much more share in political power or economic development than other community, caste or tribe. Both then mobilise their fellow community, caste or tribe people – one to retain the privileges and the other to obtain them by using religious, caste or tribal identity.

This mobilisation on the basis of religious, caste or tribal identities leads to extremism depending on the political and social situation. In India community and caste identities have led to growth of religious extremism and fundamentalism. This fundamentalism is further fuelled by globalisation as members of the community settled abroad and comparatively more prosperous finance leaders of these communities.

The growth of Hindu fundamentalism in India and Islamic fundamentalism in Pakistan can be partly explained in this light. It

should also be noted that fundamentalism grows more in educated middle classes. These middle classes mobilise poorer members of their community by invoking religion and displaying religious extremism. Hindu religion is quite liberal and has universal outlook but for the Sangh Parivar Hinduism is just opposite of that. It is most rigid, extremist and narrow. They distinguish it from Hinduism and call it Hindutva.

Hindutva is basically a political ideology and has nothing to do with spiritual and moral or philosophical aspects of Hindu religion. Hindutva ideology is most combative and aggressive and seeks to mobilise upper caste Hindus for grabbing political power and economic hegemony. The upper caste Hindus, especially those from Gujrat, settled abroad send money to Vishwa Hindu Parishad (VHP) for promoting fundamentalist Hinduism. More the money from abroad greater rigidity and extremism, and more rigidity and extremism more money flows from abroad. Now Bajrang Dal which can be called Hindu *jihadis* is giving its men and women training in using arms in the name of self defence.

This has gone to such an extent that a leading magazine *Outlook* in its issue of July 8, 2002 says, in its cover story "The Crisis in Hinduism" "One of the World's most liberal religions is in danger of being perverted. The siege is from within. A way of life has been seized upon as a means to political power and a religion held hostage." In the same cover story Swami Agnivesh, a noted Hindu scholar and human rights activist says, "*Hindutva* is a total perversion of the subtle, profound, enduring qualities of Hinduism."

All this is being done by exponents of Hinduism not to serve any moral, spiritual or philosophical cause but to grab political power. If the *Hindutvawadis* perceive that political power is slipping from their hands, they intensify their *Hindutvawad*. Greater the fear of power slipping from their hands greater the efforts to militarise the Hindus. Communal violence in Gujrat in which more than thousand lives were lost was a direct consequence of fear of losing coming elections. The VHP and

Bajrang Dal, with the help of BJP Chief Minister Mr. Narendra Modi, planned and executed most horrid communal carnage in Gujrat.

In Pakistan it is Islamic extremism which plays the same role. The *jihadis* (those who use Islamic term jihad) have a clear political agenda. The Muslim 'Ulama' who have tested power and others who see in Islam a great opportunity to come close to power centres, invoke the Islamic concept of jihad and practice most sectarian, extremist kind of Islam. Partly America is responsible for creating fundamentalist Islam in Pakistan.

America was interested in bringing down the left regime in Afghanistan and it trained thousands of Muslims to fight Soviet army in that country and called them 'mujahids' (a laudatory Islamic term which means those who fight bravely). Usama bin Laden was also creation of CIA and was used in Afghanistan to fight the Soviet forces. Religious extremism was deliberately cultivated among the Afghans and Pakistanis. Once Soviet forces withdrew from Afghanistan and Soviet Union collapsed the USA dumped these 'mujahidins'.

However, these Afghan and Arab fighters in Afghanistan had become quite aware of their own rights and their own plight and now decided to fight American power in the region. America, in order to maintain its hegemony in Middle East, backs up Saudi monarchy on one hand, and unconditionally supports Israel, on the other. It also attacked Iraq to serve its own interests in the region. It has maintained its troops in Saudi Arabia for the same purpose. All this created strong resentment among these so called *mujahidins* and they now turned against their old master.

Thus these *jihadi* groups are products of struggle for political power in the region. Zia-ul-Haq, the military dictator of Pakistan also promoted highly narrow and sectarian Islam to seek legitimacy for this power, which had no popular sanction. Thus Zia-ul-Haq greatly contributed to promote Islamic fundamentalism in Pakistan. The ISI of Pakistan is also instrumental in spreading Islamic fundamentalism in South Asia.

The military has now permanent stake in power in Pakistan and would keep on strengthening fundamentalist forces in Pakistani society.

It would be really difficult to fight Islamic fundamentalism effectively in Pakistani without strengthening democratic forces in that country. It has become a sort of vicious circle in Pakistan. Greater the power of military more the potentiality of fundamentalism being promoted and if democratic rule comes military, in collaboration with some militant mullahs, intensifies fundamentalism to frustrate democratic aspirations of the people. This has been going on in Pakistan for number of years.

Though president Musharraf is not interested in promoting fundamentalism and has modern mind set but is now prisoner of the situation. It is not easy for him to defeat the fundamentalist forces. These forces are extremely powerful and can incite a section of people in the name of religion. These forces also do not hesitate to kill or assassinate their foes. Such political assassinations are quite common in Pakistan today. The Saudi and Iranian political interests in Pakistan have also provoked Shia-Sunni militancy. The extremist Sunnis belonging to Lashkar-e-Jhangvi kill Shiahs and Shias, in retaliation kill the Sunni extremists.

Thus it will be seen that religion has become most powerful tool in the hands of politicians and they are using it without any compunction. Religious extremism is being financed from abroad in almost all cases. Sikh fundamentalism also had its source of finance in U.K. and USA, *Hindutvawadis* also get financial support from these countries and Islamic *jihadis* in South Asia, particularly in Kashmir and Afghanistan also have their supporters in these countries.

Thus the migrants to USA and U.K. are providing lot of funds to religious militants in whole of South Asia. Even LTTE militants in Sri Lanka have their sources of funding from U.K. and European countries. These migrants to western countries feel guilty for having left their motherland and also feel alienated in

western countries and compensate for their guilt by financing religious militant groups back home. Thus, in a way, globalisation is fuelling religious fundamentalism in Asia, particularly in South Asia.

The interests involved are so powerful that there is no easy solution to this problem of religious militancy. In some countries it is military dictatorship, which fuels it and in some countries it is democratic set up, as in India, which promotes it. Thus democracy by itself is no remedy for fundamentalism unless other factors like justice and morality become integral parts of it. Social, political and economic justice is very essential for fighting religious fundamentalism. Most of the societies are faced with highly unjust and uneven power structures with high rates of poverty and unemployment. These are the breeding grounds for religious fundamentalism coupled with ruling class interests.

SHARI 'AH PUNISHMENTS (HUDUD LAWS) AND NATION-STATES

In the last decades of twentieth century many Muslim countries declared themselves as 'Islamic State' and as a proof thereof, enforced the *hudud* laws (the shari`ah laws of punishment for certain crimes) in their countries. It led to much discussion about two things: one, the concept of Islamic state and two, the nature of Islamic laws. The orthodox Muslims and the 'ulama' who absolutise these laws shorn from their context naturally celebrated creation of 'Islamic state' and also enforcement of *hudud* laws.

The very term 'Islamic state' is a modern term. It has nothing to do with the Qur'anic or hadith terminology. While the Qur'an does not mention any form of governance, hadith refers to what is called *'khilafa'* or popularly known as khilafat. The loose governing structure which came into existence after the death of the Prophet (PBUH) was termed as 'Khilafat-i-Rashidah' in the history of Sunni Islam. The Shi`ah, on the other hand, while not accepting the concept of *khilafah*, developed the institute of *imamah*. While the Sunni doctrine of *khilafah* meant a successor to the Prophet (PBUH) had to be elected through the institution of *bay'ah* (i.e. pledge of loyalty) the Shi'ah doctrine upheld the institution of *imamah* through appointment (by the Holy Prophet), and not by election.

Thus the doctrine of *khilafah* became central to Sunni Islam, that of *imamah* became integral part of Shi`ah Islam. But nowhere we find the term 'Islamic state' which a modern political construction in the post-colonial world. To this world neither the concept of *khilafah* could be applied nor that of *imamah*. A modern concept was needed and that was provided by the 'Islamic State'.

There could be endless discussion on the nature and content of Islamic State. Would the Islamic State be run by Parliamentary

system or through monarchy or through military establishment? Again it is important to note that these 'Islamic States' were confined to the territorial limits of a nation state unlike *khilafah* or *imamah* which knew no such territorial boundaries. The boundaries of Khilafat-i-Rashidah were in no sense the boundaries of any nation state.

However, what is known as Islamic State today has definite national boundaries and has no single concept or uniform doctrine despite the fact that it is post-colonial human construct. A monarchy, a military dictatorship or a parliamentary form of government, all can claim to an Islamic State. One sees no contradiction in this. Thus the Saudi Arabia, a monarchy, can as much claim to be an Islamic State as Iran or Malaysia, which also claim, with equal validity, to be Islamic States. No one is concerned about the form of government as long as it applies to itself the appellate of 'Islamic State'.

These states generally proclaim Islamic State by proclaiming enforcement of *hudud* laws i.e. the shari`ah laws of punishment for theft, fornication or adultery etc. Besides these *hudud* laws some other shari`ah laws pertaining to personal matters like marriage, divorce, inheritance etc. are also applied. However, other civil laws like the law of contract etc. are hardly applied. Some countries also try to apply laws pertaining to what is known as 'Islamic Banking' though there are many problems in this sphere due to universally accepted practice of interest banking. But rulers in the Islamic State try to enforce *hudud* laws.

As pointed out above the Islamic State is a post-colonial construct. The medieval ruling establishments also did not describe themselves as such. Only the Turkish ruler styled himself as the '*caliph*' or *Khalifah*. Others described themselves as 'sultans' as sultan in Arabic means one who controls or one who has hegemony. The Umayyads and the Abbasids – the rulers of first two dynasties of early Islamic period – had styled themselves as Khalifah. But the succeeding rulers to these two dynasties often described themselves as 'sultans'. However, the only Shi`ah

Ismaili Fatimid rulers of the early classical period of Islam called themselves as imams according to the Shi`ah doctrine of *imamah.*

It is also important to note that none of these medieval states were nation state as nation state themselves are modern day product. Peoples of different religions, cultures and languages lived in these 'sultanates'. Though Islam was the religion of overwhelming majority of the peoples the Islamic laws applied to them but they were not described as 'Islamic States'.

The post-colonial states in Muslim countries, be they in the Middle East, or West or North Africa or in South and South East Asia, could not describe themselves as *kihlafah* or *imamah* anymore. The world had changed so drastically ever since that this was not possible nor could any ruler in the Muslim country could claim the exalted status of a Khalifah or an Imam. Among all Shi`ah sects like the Ithna Asharis and Isma`ilis (the Musta`lian sect) the Imam is supposedly in seclusion (though Agakhanis and Zaidis earlier did believe in imam very much in the midst of their followers). Earlier the Zaidi Imam ruled the Yemen but has since been overthrown after a long drawn civil war during the seventies of the last century.

But after colonial humiliation, the Muslim countries wanted to retrieve not only political sovereignty but also religious identity as both were denied to them during the colonial rule. They got political sovereignty through democratic or armed struggle but tried to re-establish religious sovereignty through proclamation of 'Islamic State'. That gave them not only sense of pride but also political legitimisation in the eyes of Muslim masses.

However, the situation differed from countries to countries. For some it was age old historical tradition which was interrupted during colonial rule but for others it was a new invention. In newly created Muslim countries like Pakistan and Bangla Desh it was not the popular will, or historical tradition but creation of Islamic State was an act of military rulers to legitimise their rule. The South Asia never had the tradition of enforcing *hudud* laws

and it was long after partition that the military ruler Zia-ul-Haq enforced *hudud* laws in eighties of last century.

In Bangla Desh too it was General Irshad, a military ruler who declared Bangla Desh an Islamic State for purposes of establishing his political hegemony. Bangla Desh had won its liberation from Pakistan through people's struggle and had no such historical tradition of being an Islamic State too. Neither in case of Pakistan nor in case of Bangla Desh there was any popular demand for establishing Islamic State. Nor was there any historical tradition as in countries like Egypt or Saudi Arabia.

Thus there is fundamental difference between the historically existing Muslim states with their own tradition of Islamic laws and those countries which, in post-colonial period, tried to create an 'Islamic State' under certain political compulsions. Here the case of Malaysia is quite unique.

Malaysia is a multi-religious and multi-ethnic country, which came under the British colonial rule. Also, there are several states ruled by kings and sultans, which form a federal structure. The Malay Muslims are in majority. Malays are also the sons of soil – *Bumi Putras*. Under democracy in the post-colonial period, they became conscious of their rights. The Malays were mostly of rural origin, much less educated and much less privileged. All Malays are also Muslims. Thus the Malay movement or the *Bumi Putra* movement put pressure on the rulers to make Islam a privileged religion in Malaysia.

Islam became a state religion but due to substantial presence of non-Muslim minorities like the Chinese it was not possible to enforce *hudud* laws. But other states in Malaysia like Kalantan are enforcing *hudud* laws. This worries many liberal and modern Muslims. Also, ulama and orthodox Muslims feel encouraged to practice polygamy and accord women traditional position in society.

Since all 'Islamic States' try to enforce *hudud* laws, it is important to throw some light on these laws and their position in

Islam. It is very important to understand that Islam is basically a religion, a spiritual movement for self-control, for moral life and for purification of self. Its essence also lies in asserting values like equality, human dignity, justice, peace, freedom of conscience, compassion, benevolence, truth, wisdom and sensitivity to others suffering. These are the fines human values.

The tribal chiefs in Mecca in pre-Islamic period did practice some kind of morality known as *muru'ah* (though difficult to translate in English it roughly meant manly qualities). *Muru'ah*, which was widely held concept, included, among other things, hospitality, bravery, tribal solidarity, generosity and independence. These were the highest virtues for the Arabs in pre-Islamic days.

However, they hardly exercised self-control, had no sense of universal morality and spiritual values. Tribal solidarity was highest form of virtue. Their universe did not transcend tribal boundaries. Their values meant nothing outside these boundaries. Islam, on the other hand, was a universal religion, a universal code of conduct. It knew no such narrow limits. It transcended all boundaries – tribal, ethnic, racial and national. It also gave a notion of higher morality, much higher than embraced by the concept of *muru'ah*. We have already indicated the values stressed by Islam above. Islam laid great emphasis on equality and justice on one hand, and human dignity and freedom of conscience, on the other. These values effectively countered the concept of narrow tribalism. But to concretise these values in practice was very difficult and complicated task. So many factors, particularly pertaining to tribal and other existing practices mattered and could not be easily ignored. The Prophet of Islam (PBUH) was not only a preacher but also a great role model of Islamic teachings for his followers. He was often faced with complicated questions of Islamic teachings on one hand, and of existing practices, on the other. Also, he operated in environs where no state institutions for execution of laws existed. It was basically a tribal society wherein he had to apply higher Islamic morality.

Islam's basic objective was to produce a new human being, fashioned by higher values stressed by the Qur'an. The Prophet's main objective was to transform this world entirely. As a supreme teacher and a source of law (the Qur'an describes him as *sirajan munirah* i.e. a lighted lamp showing light) Prophet did two things: he blended certain tribal or other existing practices with higher Qur'anic morality so that his guidance could become useful for the immediate society he was living in.

Secondly, he also showed, through the Qur'anic revelations, the body of higher and transcendent morality. It is this morality and these values which have permanence and all our actions should be guided by this higher morality. The punishments prescribed by the Qur'an are not the essence of its teachings. Its essence lay in its higher morality. The Prophet gave enough indications of this through his *Sunnah* also.

The Holy Prophet very well indicated that compassion is far more superior to the punishment. When one person came to him and said that I was sick and a lady came to see me and I could not resist the temptation and did what is strictly forbidden (i.e. had sexual intercourse with the lady). Please punish me. He was quite weak due to his illness and could not have borne the 100 blows. The Prophet took mercy on him specially because he had confessed to his crime and he took 100 branches of palm date tree and gave him one gentle blow (thus fulfilling the need of the Qur'anic punishment of 100 lashes). This show of compassion had much greater impact on him than the100 blows.

There is another equally important story in the *hadith* literature. A child labour that was underpaid by his employer stole fruit from the employer's garden and ate. He was caught in the act and was brought to the Prophet by the employer demanding punishment of cutting off his hand. The Prophet made thorough inquiry and came to conclusion that the child was underpaid and suffered pangs of hunger, which led him to steal fruit.

Instead of punishing the child he admonished the employer for underpayment and made it obligatory to him to educate the

child and provide proper food to him until he grows up. There are many such examples, which make it clear that punishment per se is not the final objective but the reformation of the offender.

There were certain tribal practices and traditions, which could not be ignored altogether by the Prophet (PBUH) if he were to successfully transform that society morally and spiritually. Also, mere acceptance of Islam by the Arabs did not mean they would automatically or easily leave behind all their acts of omission and commission. Certain acts of crime were rampant – murder, theft, rape and robbery. The society had to be cleaned of these crimes and for that the Prophet used certain institutions of tribal practices like cutting of hands for theft or stoning to death for adultery (there is no such punishment for adultery in the Qur'an at all.

Unfortunately these days enforcing these punishments have become very fundamental to any Muslim country declaring itself to be an Islamic state as if it is main criteria of being an Islamic country. In fact equality and justice are far more important criteria for the purpose. Equality of all human beings, protection of human dignity and ensuring socio-economic justice should be much more fundamental to setting up a state on the principles of Islam. But unfortunately hardly anyone pays any attention to such fundamental teachings of Islam and rulers generally rush to the press to announce that henceforth cutting off of hands for theft and stoning to death for adultery will be enforced.

Punishment of stoning to death for adultery has not been prescribed in the holy Qur'an at all. The Prophet is reported to have prescribed this punishment in some cases but there is debate whether he did so before revelation of the verse of 100 lashes for *zina* (rape, fornication and adultery) or after that. There is no conclusive proof that he enforced any such punishment after the revelation of the verse 24:2

In fact stoning to death was prescribed by the Jewish law and the Prophet (PBUH) enforced it in case of a Jew and a Jewess in one case (see Bukhari 23:61), and others apparently occurred

before the revelation of the *Surah Nur* (i.e. chapter 24). Also, stoning to death is in contradiction to the verse 4:25 wherein punishment for adultery is half for the slave-girls. Stoning to death cannot be made half whereas 100 lashes, as prescribed in 24:2 can be reduced to 50 in case of slave-girls.

It is unfortunate that in many Muslim countries this law (of stoning to death) is being used more against women than men. This punishment can be enforced only either through self-confession or by producing four witnesses. Since no one ever commits adultery in presence of four witnesses, man goes scot free and woman gets punished as in her case her pregnancy becomes proof. However, no one inquires whether she submitted herself willingly to man's lust or she was raped.

In Pakistan a blind girl was raped by her uncle and she became pregnant and was sentenced to death. In case of her uncle it could not be proved by producing four witnesses. In Nigeria too a woman has been sentenced to death similarly and it has become international issue. This totally discriminatory application of law (about whose authenticity also there is doubt) brings bad name to Islam. If Allah desired to prescribe any such punishment He would have prescribed it clearly in the Qur'an. It is not true that the verse on stoning to death was revealed and that it was written on a leaf which was eaten away by a goat. Such statement would enable non-Muslims to raise many questions about the correctness of the Qur'an. When Allah Himself says 'We are protectors of the Qur'an", how a goat can eat away one of its verses.

In fact any law should not be understood mechanically. It is also important to understand the philosophy of law, causes of its genesis and intention behind enforcing it. Any law applied mechanically can result in grave injustice.

The philosophy of law is to establish a crime-free society by framing laws which will combine elements of punishment and reformation. Punishment can take various forms: by imposing physical pain or through physical confinement. Similarly reforming the criminal can also take various forms – through

persuasion, making him undergo certain training or making him see the gravity of his offence, which causes pain to others. Or, one can combine elements of all this along with physical confinement. It will depend on gravity of the offence and individual criminal and extent of his/her crimes. It is for this reason that laws generally provide minimum and maximum punishments. The judge also often takes personal circumstances into account before prescribing the punishment.

Two of the Prophet's instances given above i.e. a child stealing fruit and a sick man submitting to sexual temptation and confessing to the Prophet clearly prove the wisdom with which the Prophet dealt with these cases. The Prophet did not order cutting off hands of the child who was rather compelled to steal. Our Qadis impose these sentences without exercising such discretion and going into circumstances of the crime.

We should not mechanically imitate the Holy Prophet's reported sayings or doings without understanding the reasons for which he did something. We also have to take the period, tribal practices, geographical circumstances and available institutions. As long as the purpose of the preventing crime is met the nature of punishment does not matter. Prevention of crime is more fundamental than the nature of punishment. In the enforcement of law in Islamic countries punishment becomes more fundamental than prevention of crime. It is not kept in mind what is the purpose of law, what are the circumstances in which a crime was committed and whether it deserves minimum or maximum punishment.

Today more Muslims live in minority situation in non-Muslim countries than in Muslim countries. They commit all sorts of crimes in non-Muslim countries. They cannot be given *hudud* punishments. They are dealt with according to the law of the country they live in. That does not mean ends of justice cannot be met in their case. In India very large number of Muslims live, larger than in many Muslim countries. The British rulers had imposed their own secular criminal code in 19th century itself and

the `ulama had accepted it without any protest. In fact a very prominent *'alim* even translated it into Urdu. Since then Indian Criminal Procedure Code is applicable to Muslims as well as non-Muslims in India, all those Muslim who commit crime are punished according to this code.

The Muslim countries should re-think these laws and modify criminal laws wherever necessary so as to ensure the ends of justice are met and crime does not flourish. Even laws of contract and other civil laws prescribed by Shari`ah have already been given up long ago without causing any problem. Our 'ulama should be given thorough training in modern legal system also along with training in Islamic laws. This will enable them to work out a creative synthesis between Islam laws and modern laws within framework of Islamic shari'ah.

Unfortunately our 'ulama' do not undergo any such training and are trained only in Islamic jurisprudence, its methods and its philosophy evolved by early Muslim jurists. Earlier our Qadis are trained in modern legal philosophy better it is. It will be a great service to the Islamic world.

ON SUFI APPROACH TO ISLAM

Historically speaking Sufism appeared in Islam towards the end of first century of Islamic calendar. Some Sufis of course maintain that the Prophet of Islam himself is the mainspring of Sufism and they draw inspiration from him for their spiritual and devotional practices. Also, there is debate about the meaning of the word Sufi. Some maintain that it is derived from the word suf, which means coarse wool as Sufis used to wear coarse woolen overall. Some others maintain that it is derived from the Greek word meaning knowledge and wisdom. Whatever its meaning the word Sufi has been widely used in Islamic history for a distinct set of doctrines and practices within Islamic frame-work. This school of thought had wide following among the Muslims.

The Sufi Islam, it is interesting to note, is love-oriented while the theological Islam practised by the 'ulama, is manly law-oriented. The Sufi God is God of love whereas the concept of God in theological Islam is punishing God for violation of Islamic law. It is for this reason that masses of Muslims have been greatly attracted by the Sufi Islam than the theological Islam which has intellectual appeal and orientation. The Sufi Islam, on the other hand, has spiritual and emotional appeal. While theological Islam is rigorous and rigid in approach the Sufi Islam is flexible and soothing to the soul. While theological Islam lays stress on practice of shari'a law, the Sufi Islam lays stress on devotion to God.

It does not, however, mean that Sufis are negligent of shari'a practices, at least not all. There are several schools within the Sufi Islam. Some follow the shari'a provisions quite rigorously and there are some which are on other extreme who do not give much importance to shari'a practices. And there are some who are in between and give importance to both devotion and law. In India Chishti school has been very popular and all major Sufi saints in India have been from this school. The Sufis of this

school follow the doctrine of what is called *wahdat al-wujud* postulated by the great Sufi saint Muhi al-Din Ibn-i-Arabi.

Ibn Arabi has exercised great influence on Sufis of India as his doctrine of *wahdat al-wujud* is quite accommodative and flexible in many ways. According to this doctrine the real existence *wujud* is that of Allah whereas all of us are its manifestations. In fact entire universe is His manifestation. Thus such a doctrine leads to demolition of barriers between people of one religion and the other. This doctrine brought Hindus and Muslims together in India and helped evolve a composite culture. The Chishti saints followed this doctrine and thus came very close to people of others faiths in various regions in India.

The basic teaching of this school of Sufi thought is what has been called *sulh-i-kul* i.e. peace with all. Thus peace, friendship and love have been at the centre of this school of Sufism. Maulana Rum whose *masnavi* (an epic poem running into several volumes) is considered by many as the Qur'an in Persian, puts great stress on love and peace in his *masnavi*, In one of his couplets he says you have come to effect union (between people) and not for separating them. He also says that dogs fight for the bones and the wise take the marrow meaning thereby that it is not dogmas which contain the truth of religion but it is essence of religion, its kernel which is important. Maulana Rum was one of the greatest Sufi thinkers of Islam and he has inspired and continues to inspire generation after generation of Muslims and others. Maulana Rum's whole emphasis has been on love and union.

The Sufis also lay great deal of stress on meditation and reflection (*muraqibah*) which drew them closer to Indian traditions. But unlike Indian tradition they did not practice complete renunciation. They married and had children as per the practice (*sunnah*) of the Prophet but never went near the power centre. They kept their distance from power centres. The 'ulama, though not all, were generally drawn close to power centres and often did their bidding.

The Sufis were closer to the people than to the rulers. In fact rulers were often tempted to be seen in their company to acquire some legitimacy. The noted Sufi-cum-theologian Al-Ghazzali says that one should not look at the face of tyrant and unjust sultan and even if it becomes necessary one should turn ones face away while talking to such a ruler.

Nizamuddin Awliyah was one of the great Sufi saints of India during the sultanate period and he saw the times of several sultans but did not pay court to anyone. When he consistently refused to go to the court Sultan Jalaluddin Khalji sought an interview with Nizamuddin Awliya, which was politely refused by him. The Sultan then thought of visiting the *khanqah* (hospice) without informing the Shaikh (i.e.Nizamuddin). "My house has two doors", remarked the Shaikh. "If the Sultan enters by one, I will make my exit by the other." (see Khaliq Ahmad Nizami, *Shaikh Nizamuddin Auliya*, Delhi, 1991, pp-105).

And when the Sultan planned a surprise visit to the Shaikh. Amir Khusrau, his celebrated disciple reported this to Nizamuddin Awliya and Nizamuddin left for visiting the tomb of his spiritual mentor Baba Farid at Ajodhyan to avoid meeting the Sultan. (*ibid*). thus it is obvious how Sufis of the eminence of Nizamuddin Awliya maintained their distance from power centres. And it was for this reason that they were so dear to the common people. Though there are always exceptions to the rule most of the Sufis maintained distance from rulers. They did not want religion to be misused by rulers. Religion, for these Sufis, was not a means for acquiring power and influence, but it was meant for their spiritual needs.

These Sufi saints were greatly respected by the common people as they assimilated local culture and even local customs. In other words they believed in acculturation. Baba Farid was among the great Chishti Sufis of North India. He was great scholar of Persian and Arabic but he wrote his poetry in Punjabi language. In fact he is considered as the first Punjabi poet and his verses have been quoted by Guru Nanak in his Adi Granth. He is held in.

great respect by Sikhs and there is Baba Farid Chair in Punjab University, Chandigarh.

Thus Khaliq Ahmad Nizami writes about Baba Farid, "Sheikh Farid's ideal of life flowed from his concept of religion which was revolutionary in its contents and dynamic in its potentialities. His God was neither a theological myth not a logical abstract of Unity, but an all embracing personality present in his ethical, intellectual and aesthetic experience and furnishing the inspiration for creating an ideal realm of values in a distressed and struggling world....It made him citizen of that Universal society in which God is the supreme Intelligence and all human beings His manifestations. He sought to reach the creator through His creation and identified religion with service of humanity. Again and again he emphasised the fact that faith in God means 'love of His creatures'.(see K.A.Nizami "Shaikh Farid-ud-din Ganj-I-Shakar" in Gurbachan Singh Talib ed. *Perspectives on Sheikh Farid*, Patiala, 1975,PP-30).

All Sufis believed in non-violence and Baba Farid particularly so. He believed in non-violence as the only way to solve the differences in social life. Through his behaviour he demonstrated, maintains Nizami, that pacifism and non-violence is the cult of strong and not the defence of the weak. Nizami quotes a verse of Baba Farid included in the Guru Granth Sahib as under:

'Farid return thou good for evil,
bear no revenge in thy heart:
Thus will thy body be free of maladies,
And thy life blest.'

The Guru Granth contains 112 Shlokas of Baba Farid which he wrote in Punjabi. The burden of these Shlokas is divine love, need for purification of inner life, value of penitence in spiritual progress, ephemeral character of human existence and other similar subjects. "Striking metaphors", says K.A.Nizami, "mostly borrowed from the atmosphere around, add to the effects of these *Shlokas*. They seems to be the gushes of a heart overflowing with

divine love and constitute a valuable treasure of the Indian historical heritage." (*ibid*, pp-33-34).

Nizamuddin Awliya was his celebrated disciple and lived simple life and around whom thousands of people flocked. Nizamuddin Awliya respected local customs and traditions and never held other religions to be inferior to his own. One day when he was going along bank of river Jamuna he saw some Hindu women bathing in the holy river and worshipping sun. His celebrated disciple Khusraw was with him and he said addressing Khusraw: do not hold these women in contempt; they are also worshipping Allah though in their own way. And he recited a verse from the Holy Qur'an, in support of his view: "For everyone has a direction in which he turns (himself), so vie with one another in good works." (2:148)

Thus Hazrat Nizamuddin stressed here that it is not the method of worship, according to the Qur'an, but the good deeds which matter most. Thus the Sufis respected the local rituals to promote love and friendship between the people. They did not pass the judgements of right and wrong. For them love and service were more important than the method of worship. The Holy Prophet is also reported to have said that it is more meritorious to feed a hungry widow than to pray whole night.

The Sufi saints never dismissed other religions out of hand. Nor did they ask anyone to convert to Islam though thousands converted to Islam at their hands. They were seen as role model by the people. It was their character and devotion which attracted people to the religion they practised not any intellectual argument or even persuasion. Preaching Islam to others was not their mission. They showed equal respect to all high and low in the society. Many people from low castes who were treated with contempt by upper class and upper caste people flocked around Sufis as they found respect for human dignity. This was one reason why large number of dalits converted to Islam without even being asked to do so.

It is a great myth to say that Hindus converted to Islam on the point of sword. No ruler was interested in converting Hindus through coercion, as it would invite the wrath of Hindus. Let alone converting Hindus to Islam these rulers were not even prepared to ban their religious processions as it would anger the Hindus. It is for this reason that very few upper caste Hindus converted to Islam and only dalits did.

Many orthodox 'ulama differed from Sufi ways and opposed their liberal attitude. It is well known that Abul Fazl and Faizee, both Sufi brothers were persecuted by orthodox 'ulama because of their liberalism. It is later that they went to Akbar's court and Akbar was greatly influenced by them and became liberal under their influence.

The Sufis never tried to even dissuade converted Muslims from giving up their pre-Islamic customs and traditions. It is for this reason that most of the Indian Muslims, particularly in rural areas and small towns even today practise with great enthusiasm all their local pre-Islamic customs and traditions. We will throw some light on this aspect little later. The orthodox 'ulama on the other hand engaged themselves in purifying Indian Islam of pre-Islamic influences.

Some 'ulama like Sheikh Ahmed Sirhindi better known as Mujaddid Alf-i-thani (the renewer of second millennium) vehemently opposed the Sufi doctrine of *wahdat al-wujud* which maintained, as pointed out earlier, that real Being is Allah and we are all His manifestations. This approach resulted in bringing about greater unity among peoples of different religion, race and tribe. Sheikh Ahmad Sirhindi preached the doctrine of what he called *wahdat al-shuhud* i.e. unity of witnessing. Thus he maintained that we are not manifestation of One Being but it is only an appearance, not reality.

Sheikh Sirhindi attacked many practices among the Muslims, which he condemned as un-Islamic. Thus in one of his letters written to a lady Sufi (letter from volume III, number 41) deals mainly with the pledge of women (*bay' at al-nisa'*) at the

time of Muhammad. Sirhindi expresses his conviction that women are more prone to blameworthy actions common among men and then proceeds to describe the innovations common among Indian Muslims, chiefly women, in his time. Because of their utter stupidity women pray to stones and idols and ask for their help. This practice is common, especially when small pox strikes, and there is hardly a woman who is not involved in this polytheistic practice. Women participate in the holidays of Hindus and Jews.they celebrate Diwali and send their sisters and daughters presents similar to those exchanged by the infidels."

The implications of the doctrine of *wahdat al-shuhud* were quite grave as it emphasises superiority of people of one religion on the other and for that reason that religion should be kept 'pure' and divested of all other influences. Thus the Sheikh spent his energies in purifying Indian Islam. However, his influence never spread among the masses. He had greater influence among a section of the Muslim ruling classes, nobles and courtesans. It is interesting to note that the Chishti saints had the greatest amount of influence in India. The other Sufi schools remain confined to limited circles. The Chishti saints were popular because they were more liberal and accommodative in spirit. They accommodated others rather than rejecting.

The Chishti saints, on the other hand, not only accommodated but even adopted the customs and traditions of others. Take Meo Muslims, for example. The Meo Muslims, along with nikah also go for circumambulations around fire. They celebrate not only Eid but also Diwali with same enthusiasm and follow all customs and traditions prevalent in their area. They converted to Islam but never gave up their pre-Islamic roots. It is regrettable that Even V.S.Naipaul never understood this. He condemns Islam in his books. particularly in *Aomng the Believers* that Islam while converting people robs them of their pre-Islamic culture. Unfortunately Naipaul never bothered to study any Muslim society from sociological and anthropological angle. He would not have otherwise made such sweeping statements.

Many Sufi saints themselves adopted prevailing cultural practices without much hesitation. Sheikh Muhammad of Maharashtra, for example. He not only wrote on Sufism in Marathi but translated Sufi terminology into Marathi language. He was greatly respected in Maharashtra and was even compared with Gnaneshwar for his liberal compositions on Sufi Islam in Marathi.

There is also the case of Hamiduddin Nagauri who was a Sufi saint from Nagaur, Rajasthan. He became strict vegetarian and also always kept a cow with him. He in fact lived like a Hindu peasant does. He was disciple of the renowned Sufi saint Sheikh Moinuddin Chishti of Ajmer. Hamiduddin Nagauri wrote a code of conduct for Sufis with the approval of his master. Some of the salient points of the code are as under: 1)one should not earn money; 2) one should not borrow money from others; 3) one should not reveal to anyone nor seek help from anyone if one has eaten nothing for seven days; 4) if one gains plenty of food, money, grain or clothing, one should not keep anything until the following day and 5) having fulfilled these conditions one should regularly fast during the day and pray during the night.

One sees that this is very close to practices of Hindu seers, Buddhist bhikus and munis. They did not condemn practices of others as the orthodox 'ulama did describing them as practices of infidels. Khwaja Hasan Nizami in his valuable book *Fatimi Da'awat-e-Islam* has given numerous examples of Sufis adopting the local customs, rituals and traditions. He quotes various instances of certain sects of Islam like the Niazaris and others even adopting the symbol of Om as when written in Sanskrit with slight variation it resembles 'Ali, as written in Arabic. The Imamshahi sect even projected Ali, the Prophet's son-in-law as the 10th incarnation of Vishnu. (See Khwaja Hasan Nizami, *Fatimi Da'wat-e-Islam*, Delhi, 1338 A.H.).

Khwaja Hasan Nizami describes various rituals around the grave of Sufi saints which were borrowed by the Sufis from the local Hindu rituals of temples. He says that the circumambulation

around the grave of a Sufi shaikh was nothing but circumambulation (*parikrama*) around the idol in the temple. The ritual of offering *sandal* and flowers to the grave, he maintains, has been borrowed from similar practices among Hindus. The idol has been replaced by the grave of a Sufi. Saint. Hasan Nizami describes all these rituals adopted from Hindus in details in his above book.

Hasan Nizami also describes in some details a Hindu sect called Pranami Panth which is half Hindu, half Muslim. He even met their Mahant Maharaj Rangi Lal in Saurashtra (which was then known as Kathiawad). Their holy book is called *Qulzum Sarup* Generally it is referred to by common people as *Kullum sharif* (*Kalam Sharif*). The Khwaja says that this Book contains shlokas from Geeta as well as verses from the Qur'an and also some hadiths. There are also some extracts from other holy scriptures.

The Pranam Panthis are spread over several parts of India. Apart from Gujrat they are found in Bihar, Bundelkhand in U.P., in various cities of Punjab etc. According to this Panth Krishna Maharaj and Prophet Muhammad are one and the same. First Krishna Maharaj appeared and then he appeared in the Arab world. It is Pran Nath Maharaj who was disciple of Deepchand Maharaj wrote *Qulzum Sarup*. Pranamis believe it is a revealed scripture. The Pranam Panthis are great devotees of Muhammad (PBUH) and call themselves as real believers and think Muslims are heretics. They also believe that the Prophet Muhammad is the last prophet. It is interesting that Pranamis apply *tilak* on their forehead and also wear *geneo* (sacred thread).

We do not want to go into details of this interesting sect here. What it shows that there are several such sects, which adopted beliefs and practices from Islam and Hinduism in India also selectively from other religions. The reality is very complex. The Sufi approach to Islam was very flexible and accommodative. Thousands in India became Muslims because of such approach.

The 'ulama who adopted rigid ideological approach never succeeded in converting people to Islam.

Thanks to these Sufi saints that our culture at popular level is a composite culture. There is no doubt that the ruling classes also collaborated with each other and created composite culture but at people's level it is Sufis who created composite culture and even composite religious rituals as examples of Meos and Pranam Panthis show. There never was communal polarisation as we have today.

POLYGAMY IN ISLAM
CONCEPT AND PRACTICE

Polygamy has been a very controversial issue in Islam. The Orthodox `Ulama maintain that it is part of Islamic Shari'ah and hence men can take up to four wives, if they want to, without any reasonable cause even. The modernists and champions of women's rights, on the other hand argue that the polygamy is only permissible in certain conditions with the strict proviso for equal justice with all the wives. According to the modernists, man just cannot take more than one wife simply because he likes some other woman or gets enamoured of her beauty. They also argue that the Qur'anic norm is monogamy but polygamy is permissible in certain exceptionable circumstances with strictly enforceable condition for justice.

The orthodox 'Ulama justify polygamy on the grounds which have not been stated in the Qur'an. They argue that men's sexual needs are greater than those of women; secondly they argue that women go through periods or give birth to children and it is not possible to have sexual intercourse with them during these periods and hence man needs more than one wife. They also argue that if a woman is terminally ill it is better to marry another woman rather than divorce her and make her psychological wreck. Also, if she is barren and cannot give birth to another child, it is better to take second wife without divorcing her and add to her woes. She already suffers from lack of children.

Of course, as pointed out above, these arguments are not there in Qur'an or sunnah of the Prophet (PBUH). These arguments have been invented by some `Ulama to justify polygamy. Apart from these arguments, they also argue that there are more women than men and hence polygamy ensures dignified life for women rather than life of infamy and breaching the limits set by Allah.

The modernists and those championing women's rights, on the other hand, rebut all these arguments. They argue that it is not at all biologically and scientifically proven that women's sexual needs are any less than that of man. It is her social conditioning, which makes her sexually less active. Given proper environment a woman will also be equally sexually active.

The champions of women's rights also maintain than man is not created a mere sexual animal that he cannot restrain his sexual activity during menstrual period of his wife or when she gives birth to a child. Thousands of men do so. All men are not prone to polygamous marriages. Most of them, on the contrary, are monogamous. They can restrain themselves from sexual activity even when their wives are ill for long time and cannot cohabit with them.

Even when they are terminally ill, they can go without sexual activity and this sacrifice is worth making for a life time partnership. One cannot sacrifice this companionship just because she is terminally ill or is not capable of cohabitation. Those upholding women's rights argue that marriage is not all about sexual gratification only. The institution of marriage is much more than that. It is for life long partnership between the two, besides creating children and ensuring continuity of human life on earth. This can be ensured with minimum sexual activity. In fact polygamy is a medieval institution which was invented by man to fulfil his sexual lust and to keep women under his authority.

As for barrenness there seems to be some weight in taking another wife to procreate, as procreation is one of the objectives of marriage. But, in our society often blame is foisted on woman for failing to give birth to child. Man can also be barren and man often is. Unless it is medically tested one should not rush to the conclusion that woman is barren and hence man should take another wife to have children. Only and only when it is proved that a wife has medical problem in giving birth to a child or is completely barren she could be responsible for lack of child.

Perhaps then there could be some justification for taking second wife. But thanks to modern scientific advances there are other possibilities: test tube babies. May be there is no *ijma'* so far about Islamic validity of test tube baby. We will have to leave it to the conscience of the persons concerned whether they would like to have test tube bay or not. Similarly adoption is also not permissible in Shari'ah law. Here is some bind for a conscientious Muslim. One can say in such case (i.e. when it is medically certified that wife, and not husband, is barren) husband could be permitted to take second wife. The other alternative is to remain childless. Some might prefer that way. Only when a wife is proved to be medically unfit for conceiving the husband perhaps could seek her permission (without using coercion in any form) to take second wife and provided, he is capable of doing equal justice to both of them, as required by the Qur'an

Another argument for polygamy is that rather than let women lead sinful life it is better that one takes them as co-wives. Firstly there are very few societies wherein there are many more women than men. Even if there are more women, it is marginally so. Only during world wars when millions of people were killed there were substantially more women, than men. But it was a temporary and not lasting period. Perhaps there could have been some justification for polygamy during that period. But it is not correct to say that prostitution is because of more women in society than men. There is prostitution even when there is excess of men over women.

In India, for example, there is excess of men over women there being 1000 men for every 930 women and yet there is widespread prostitution. There are other reasons for prostitution than excess of women over men in a society. Prostitution has been in the world throughout history. In fact it is known as one of the oldest institutions in the world. Uneven distribution of wealth, migration of men to other countries or to urban areas in search of livelihood and extreme poverty in women's families, lax morals and organised crime are some of the factors responsible for prostitution. Mere polygamy, as some knively believe, cannot

eradicate prostitution from the society. Even stringent law drives it underground rather than abolish it.

Thus all these arguments in favour of polygamy are hardly valid. These arguments have been invented for justifying polygamy; they hardly explain its existence. There are reasons other than the ones advanced above for persistence of this institution for so long. One must understand those causes and try, as much as possible, to control and regulate the institution of polygamy

THE QUR'AN AND POLYGAMY

Then one can justifiably ask why Qur'an permits it? Or what view the Qur'an takes of polygamy? One must take up the verses on polygamy in the Qur'an and explain them not merely as isolated verses but in the total spirit of the Qur'an. No verse of the Qur'an can be explained as an isolated verse. It is the context (in the light of *asbab al-nuzul* i.e. occasions of revelation) and norms of the Qur'an which have to be taken into account in order to understand the real intention of the Qur'anic verses. Also, it is not enough to refer to one verse on the subject but all concerned verses should be taken into account. Often one verse is quoted to prove one's point of view. It is not proper.

There are two verses in the Qur'an as far as multiplicity of wives is concerned i.e. 4:3 and 4:129. However, to take an overall view of Qur'anic spirit we will have to take more verses into account besides these two. Those other verses are equally important to determine the Qur'an approach to the controversial issue of polygamy.

First let us take the two verses which make direct pronouncement on polygamy i.e. 4:3 and 4:129. The first verse i.e. 4:3 appears to permit taking up to four wives while 4:129 seems to caution against hazards of multiplicity of wives. Needless to say both the verses must be read together in order to determine Allah's intention. While the first verse takes given context into account and seems to permit multiplicity of wives,

the second one takes long term view and also the likely consequences of taking second wife and this verse tends to be more normative than the other.

The first verse says: "And if you have reason to fear that you might not act equitably towards orphans, then marry from among women such as are lawful to you – two or three, or four: but if you have reason to fear that you might not be able to treat them with equal fairness, then (only) one – or those whom you rightfully possess." (4:3). This verse could be interpreted differently. It is not very clear whether it means two or three or four at a time or during ones lifetime. If up to four was meant it could have said "upto four". But the Qur'an rather chooses more complex way of putting it.

Even if what is meant is two or three or four at a time, the Qur'an does not permit it according to the whims of a man. It lays down strict condition for treating all wives with equal fairness and if you have reason to fear that they cannot be treated with equal fairness then marry only one. Thus if one reads even this verse alone literally, it would be obvious that more emphasis is on equal and fair treatment rather than having more than one wife. And this should not be determined by husband alone whether he can treat his wives with equal fairness or not.

Here in this verse the words "if you have reason to fear that you might not be able to treat them with equal fairness" are addressed to whole Muslim society and hence society as represented by its judicial institutions (*'adalah*) will determine whether the person has capability to treat his second or third or fourth wife with equal fairness or not and also whether there is any need for it. Thus it is obvious that taking of more than one wife should be socially regulated and should not be an individual decision. Unfortunately often decision is made individually as if it is personal privilege and no social intervention can be tolerated. The Qur'anic spirit, on the other hand, does require social intervention as equitable and fair treatment of wives is very essential.

There is also debate whether equitable and fair treatment implies only equal maintenance and equal facilities to all the wives or it also includes equal love. Some commentators, especially of the **Mu'tazilah** persuasion insist that equal love is also a necessary condition for all wives. And they argue that since equal love is humanly impossible (a man will always tend to love one of his wives more than the other wife or wives) polygamy is as good as banned by the Qur'an. Justice in treating all the wives equally is so important that the verse ends with the words *alla ta'ulu* (this is more proper that you may not do injustice.

Thus in verse 4:3 fear of injustice is stressed twice. Thus this moral dimension of polygamy cannot be taken lightly. Therefore, either it should be banned or should be strictly regulated and taking of second wife should not be left entirely to an individual. Social intervention is highly needed.

Also, the verse 4:3 should be read in conjunction with another verse on polygamy i.e. 4:129. This verse states, among other things, "Ye are never able to be fair and just as between women even if it is your ardent desire. But turn not away (from a woman) altogether so as to leave her (as it were) hanging (in the air). If ye come to a friendly understanding, and practice self-restraint, Allah is oft-forgiving and Merciful."

This verse is so clear on the question of justice and fair treatment with all wives that polygamy is almost impossible to practise. The words that you cannot do justice "even if it is your ardent desire" are so clear that there is no need for any further discussion. It is humanly impossible to treat all wives equitably (especially in matters of love) and one should not leave one woman hanging in the air and incline totally towards the other.

Here it is important to point out the Qur'anic methodology in social matters like slavery, polygamy and similar other matters. At the first stage the Qur'an permits an existing practice with proviso for reforms and improvement so as to lessen its negative impact but subsequently it points out in no uncertain language that it is best be abolished. A good example in this respect is of

slavery. The Qur'an first requires Muslims to treat slaves in a humane way and also encourages their manumission as compensation for not able to keep obligatory fast or for expiation of sins etc. Bu subsequently it says that "All children of Adam have been honoured equally (*laqad karramna bani Adam*) (17:70). Thus all children of Adam deserve equal dignity and some cannot be slaves and others master. This makes institution of slavery totally redundant. But the Qur'an first accepts institution of slavery with necessary reforms and subsequently makes it clear that it is against human dignity.

Similarly approach has been adopted for the institution of polygamy. First it is permitted with strict proviso for fair and equal treatment and cautioning against injustice against any of the wives. It is also important to note that this verse (i.e.4:3) has been revealed along with the verse pertaining to the problems of widows and orphans (*yatam*). This verse on polygamy begins with the words "If you fear that you shall not be able to deal justly with the orphans, marry women of your choice, two or three or four...."

Thus polygamy was permitted by the Qur'an to do away injustice to orphans and widows (actually the Arabic word *yatama* includes widows also). The Arabs, as per Zamakhshari of *Al-Kasshshaf* (Vol.I, Beirut, 1977, pp-496), would marry orphans and widows with beauty and wealth (far in excess of four women) and then try to usurp their wealth and do injustice to them in treatment. The Qur'an, in order to save these orphans from such injustices (and hence it begins with the words (If you fear that you shall not be able to deal justly with orphans....) those Arabs were permitted to marry up to four (thus reducing the number of wives one could take drastically) to avoid injustice to the orphans.

Thus polygamy (without any restriction as to the number of wives) already existed in the society and also injustices to the orphans. Thus with this verse (4:3) the Qur'an, which considers justice as most fundamental moral category, tried to stop abuse of orphan girls' properties (and this was vitally necessary) on one

hand, and injustices to the women who were taken as wives without restriction to any number, and not treated fairly and equitably. This verse thus accomplished two objectives in one stroke – justice to orphans and justice to helpless wives by restricting their numbers to four and requiring oral responsibility of equal and fair treatment.

But, the Qur'an was aware that this is not the ideal solution as far as women were concerned. Thus in the second verse on polygamy (4:129) it was made clear that it is not possible to do equal justice to all wives even if one ardently desired and so the men were cautioned not to leave the first wife hanging in the air (*fatazaruha kal mu'allaqatin*). Thus, if both the verses are read together – and one must – monogamy would be the norm and polygamy a merely permitted measure to meet the given situation.

Thus the real intention of the Qur'an, is to ultimately abolish polygamy albeit gradually. It is also to be noted that marrying orphans to misappropriate their properties was peculiarly an Arab phenomenon, not a universal one. And polygamy was permitted by the Qur'an only in that context. It has also been pointed out by some commentators that the verse 4:3 was revealed after the battle of Uhud when more than 10% of Muslim men population was killed and there were many orphans and widows in the society and they had to be taken care of. Perpetuation of polygamy forever was far from the Qur'anic intention.

Thus the noted translator of the Qur'an Abdullah Yusuf Ali also says in the footnote to the above verse (4:3), "The unrestricted number of wives of the 'Times of ignorance' was now strictly limited to a maximum of four, provided you could treat them with perfect equality, in material things as well as in affection and immaterial things. As this condition is most difficult to fulfil, I understand recommendation to be towards monogamy." (The Holy Qur'an, Abdullah Yusuf Ali, Vol. I, Hyderabad, India, n.d.pp-131)

More arguments can be advanced from other verses of the Qur'an if one takes the Qur'anic verses in totality as one must.

The Qur'an uses the word *zawj* for husband and wife and *zawj* implies couple. So basically there should be one husband and wife – a couple – and not one husband and several wives. Adam, the first Prophet had one wife Hawwa'. The Qur'an also describes husband and wife as each other's garment (2:187). Also the Qur'an says, "And the believers, men and women, are friends one of another. They enjoin good and forbid evil and keep up prayer and pay the poor-rate and obey Allah and His Messenger." (9:71)

Whole spirit of this verse is of equality and friendship between men and women. Thus this noble spirit of the Qur'an in respect of man and woman does not admit of four women being lorded over by one man. Also the verse 33:35 which makes men and women equal in every respect hardly can admit the institution of polygamy. Also, 2:228 establishes equality between men and women and can hardly admit of the polygamous marriages. Thus it will be seen that all these verses militate against polygamy. Polygamy can at best be an exception rather than a rule.

As for the Holy Prophet's *sunnah* is also concerned he preferred monogamy over polygamy. He remained highly faithful to his first wife Khadija as long as she lived though she was much senior (by fifteen years) to him. He never took second wife in her lifetime. He was a very loyal and devoted husband. He married A'ishah only after the death of his first wife Khadijah. And A'ishah was the only virgin wife he took. All other wives were either divorcees or widows and were more in the nature of political and tribal alliances than marriages for fulfilling sexual needs. Had he so desired he could have taken young women as his wives. But he never did after A'ishah.

He also strongly disapproved of Hazrat Ali, husband of his daughter Fatima, taking second wife during her lifetime. He was very angry when he learnt that Ali wanted to take second wife when Fatima was around. All this goes to show that the Prophet (PBUH) also stressed monogamy and one must follow his *sunnah* in this respect also.

Today's Qur'anic approach to justice and equality is much more relevant than before. Women's rights are being greatly stressed and if their rights to equality are to be respected, and one must, polygamy should be permitted only in highly exceptional circumstances. Actually monogamy should be the rule. The Qur'an foresaw this 1400 years ago and stressed concept of justice in sexual relations also and never accepted woman to be subordinated to man. The Qur'an, in fact gave dignity to woman by accepting her legal entity. However, through the ages she lost out to man in sexual politics. There is great need to restore dignity to her which is fundamental requirement of the Qur'an. She is equal partner to man in every respect.

SOCIOLOGICAL APPROACH TO ISLAM

No religion descends from heaven in a social vacuum nor is it practised in an ethereal or ideal environment. Every religion comes into existence in a given society with its values, its ethos, customs and traditions. Often a religion comes into existence in a society when its gets corrupted or deviates widely from the acceptable path which can ensure good for the whole society. Thus one has to understand genesis of religion in the light of the society it is born in. Also, no religion can be practised in social vacuum. Whatever the religious ideals or teachings it is practised by the people in their own way, in the light of their own customs and traditions.

Religious injunctions as contained in its scriptures also do not altogether avoid social contexts and those injunctions could be understood only in those contexts. Of course the orthodox theologians often refuse to see those injunctions in the light of given context. In the light of what is said here it is obvious that one has to adopt sociological approach to religion in order not only to understand its genesis but also its practice. Same religion, when practised in different societies will develop its own different practices.

One cannot understand Islam and its practice in different societies without adopting sociological approach. However, it does not mean that one could give mechanical or vulgar explanations, which some half-backed sociologists do. For example some sociologists maintain that the concept of monotheism in Islam is product of monotony of desert life. It is not only vulgar but factually also incorrect explanation. Monotheism was not prteached by Islam for the first time; it was preached by Judaism and Christianity before Islam and both Judaism and Christianity were product of fertile crescent.

A religion always tries to reform a society by providing certain ideals and values. But the people adopt these ideals and values quite selectively so as not to harm their interests. Human

behaviour is never determined simply by religion one follows. It is determined by several factors – personal or group interests and inspirations, social mores and traditions and tribal or national expectations. Social changes also deeply affect what could be termed as "religious behaviour".

One often keeps on bemoaning that religious teachings are not being followed and hence social degeneration or corruption. It is also interesting to note that religious teachings mean different things to different people depending on social class one belongs to and knowledge of religion one has. Understanding of religion also varies from tribal, national or ethnic community to community and also according to ones personal commitment. There cannot be single or uniform understanding of religion by all. This is an important dimension of sociological approach to religion.

Islam also has to be approached sociologically apart from being understood theologically. One always finds tension between what is theological and what is sociological. This tension could be both creative or problematic depending on the situation or approach of the people concerned. Often it becomes problematic rather than creative.

Islam, as pointed out in my other articles, was a great revolutionary movement based on ideals like equality, human dignity, justice – social as well as economic and sexual equality. These ideals were partly acceptable to the tribal society of Mecca and partly not acceptable at all. Equality and human dignity was acceptable to a limited way within tribal social boundaries. Members of a tribe could be accepted as equal but not those of other tribes. Members of other tribes could be acceptable only as a *mawla* (client), not as equal. However, Islam did not restrict equality to any tribal boundary. Its concept of equality and dignity was totally universal (see 17:70, 9:71 and 49:10)

The concept of universal brotherhood or sisterhood and inter-tribal equality created great deal of social tensions throughout Islamic history. Within Arab society itself these

tensions became explosive soon after the death of the Prophet (PBUH). By the time the Holy Prophet died different tribes of Arabia had embraced Islam. Sociologically speaking those tribes having hostile relations also entered the fold of Islam leading to tension between them.

The concept of universal equality received setback when the tribe of Quraysh claimed caliphate quoting a 'hadith' and superiority over other tribes. It was theologically not acceptable (as the Qur'an stresses universal equality of all human beings and believers) whereas the Arab society was not prepared to accept it. Thus it resulted in tension between what was theological and what was sociological. This tension became more problematic than creative.

In fact Islamic concept of universal equality was never accepted sociologically. Islamic society soon transformed into feudal society once great Roman and Sassanid empires were conquered. The Roman and Sassanid societies were strictly hierarchical and did not admit of equality of all believers. These hierarchical values remained integral part of Muslim communities also in these societies.

In this connection it is also important to note that all do not embrace a particular religion only because they are attracted by its teachings. The reasons for embracing a religion could be quite varied. Some embrace it collectively along with other members of the caste or tribe or nation, some embrace it for political or economic advantage and some after deep study of religion and inner conviction.

Those who embrace religion for reasons other than personal conviction do not necessarily understand the religion they embrace. They embrace it because other members of their tribe or caste or community did. They do not absorb the real ideals and values of that religion. Islam was also embraced by many tribes and castes collectively in many places. Also, Islam was embraced by weaker sections of societies attracted by its emphasis on human equality and dignity. But in hierarchical feudal societies

they were denied the dignity and equality they were entitled to. Though they embraced Islam their social status did not change for sociological reasons. The structure of a feudal society did not permit them what was theirs theologically.

Thus it will be seen that social structure plays very important role. In fact, more often than not, social structure does not change but it changes the religious practices. Social structure remains more fundamental than theological ideals and values. The Arab society has remained tribal in structure until today. Had Islamic ideals and values prevailed Arab society would have undergone radical changes and tribal norms and values would have been replaced by Islamic ones.

And this despite the fact that the Qur'an lays great deal of stress on equality of all believers and totally denies the concept of hierarchy in society. The Qur'an even stresses that the Prophet is also a human being like others except that he receives revelation (23:33 and 25:7). But in feudal society not only a monarch but also his courtesans considered themselves much superior to ordinary human beings. Thus even a feudal society although Muslim, denied universal equality and allowed social and political hierarchy as an acceptable norm though it was totally against Islamic values. The 'ulama who were part of feudal establishment hardly ever protested against feudal hierarchy.

Also, all Muslim societies have retained national, tribal or ethnic distinctions and discrimination. Tribal or ethnic pride was never subdued. Thus sociologically speaking it will be very difficult to talk of pure 'Islamic culture'. Each Muslim society has its own distinct tribal or national or ethnic culture even though ritual practices (*'ibadat*) may be the same. Though the Qur'an even permits marriage with what is called *kitabiyah* (i.e. a woman from Jewish or Christian community) Muslims from different tribal or ethnic groups do not inter-marry. If they do there will be a great turmoil in that caste or ethnic or caste community. In Pakistan and in India such marriages can result even in killing the boy and girl if they marry outside the ethnic or

tribal group. The Meo Muslims from North India do not allow marriage even within seven *gotras* (i.e. in the same category of family sevenfold removed). The Meo boy or a girl, if it violates this, is severely punished even though Islam permits marriage with first cousin.

Thus sociological prevails over theological. One should not ascribe all Muslim practices to Qura'n or to Islam. However, it is often the practice resulting in deep prejudices against Islamic teachings. There is practice of honour killings in most of the Arab countries like Egypt, Jordan etc. Strictly speaking it is against teachings of Islam. If a woman is accused of misconduct it is to be proved and if the accuser fails to prove he, not woman, will be delivered eighty lashes. But social values in these countries are such that the father or brother will kill the woman if she is even seen meeting a man outside the family. This honour killing is even condoned by the courts and the killer is exonerated as he killed to save the family honour. This is against Islamic teachings. But social norms become more important than Qur'anic teachings.

The understanding of the Qur'anic verses are greatly influenced by the social norms and ethos of a society. The Islamic shari'ah integrates some of the social practices known as *'adat* (customs) but unfortunately these customs integrated with shari'ah also become its integral part even if they violate Qur'anic norms of justice. The 'ulama too often take sociological than theological view. It is much more so when it comes to problems relating to women.

It is often argued that Islam does not do justice with women. It denies them their basic rights to acquire education, to earn their living and to lead a life of dignity. They are subjugated completely to their husbands as their lords. These arguments are valid if one looks at the practice of Muslim men. In fact they do treat women as chattels like Taliban did in Afghanistan. However, this should be treated as sociological critique rather than theological one.

Muslims are greatest sinners as far as treatment of women is concerned and the Qur'an is greatest champion of women's rights. There is no single Qur'anic injunction in respect of women which the Muslim men have not violated. Qur'an gave women all the rights men had and recognised them as full legal entity which no religion or legal system before Islam had done. What is stated in 2:228 in Qur'an is indeed revolutionary. It was revolutionary declaration of equality of rights of both the sexes. One could not even contemplate such declaration in early 7th century.

Qur'an gave to women all the rights – right to marriage (marriage was made contractual and called *mithaq-i-ghaliza* i.e. a strong covenant), right to divorce (2:229 which is called right to *khula'*), right to inheritance (4:11) and right to earn (4:32). Also, the Prophet gave her right to education by making it obligatory on her to seek knowledge. These were by any means most revolutionary approach to women. These rights were not given to women as late as early 20th century. Until then women had neither right to property, nor to inheritance nor to education. Islam gave these rights to her in early 7th century.

However, Muslim society was not at all prepared to concede these rights to her. It was a patriarchal-feudal society. All the rights accorded to women by Qur'an were slowly eroded and she lost almost all these rights by 2nd century of Islam. Several hadithes were invented to take away these rights from her and subjugate her to the authority of her husband as was the practice before Islam.

One hadith even said that if sajda (prostration) were allowed for men, wife would have been obliged to prostrate before her husband. The Qur'an, it is interesting to note uses authority-neutral word for husband – *zawj* (one of the couple) The word zawj does not indicate an authority as the word husband does. The word *ba'l,* which was one of the gods of the Arabs for husband has been used only four times in the Qur'an and that too as it was part of usage. Husband has not been given any authority over wife by the Qur'an. Even the verse 4:34, which is often quoted by male

commentators as proof of man's authority over woman is subject to different interpretation. We have thrown detailed light on this verse in the book *Rights of Women in Islam* (Asghar Ali Engineer, Sterling Publishers, Delhi).

Even in this verse (i.e. 4:34) the words used are not husband a wife but men and women. And man has been described, as one who maintains which is more functional. It hardly indicates superiority of man over woman. However, we do not want to go into discussion of this verse here. If one adopts holistic approach to woman's question in Qur'an it becomes quite obvious that Qur'an considers women as equally dignified as is obvious in the verse 17:70. Children of Adam definitely include women as much as men. Other verses of the Qur'an like 3:194, 2:219 and 33:35 are further indications of equality of men and women. What those men who are out to prove superiority of men over women not only quote selectively from the Qur'an but also explain the verses in a manner which will prove men's superiority. But these verses clearly establish equality of two sexes.

Women were not only treated as chattels by Muslim men throughout medieval ages but were also confined at home and some theologians from South Asia and even from Egypt maintained that they should not be allowed to learn to read and write as it will corrupt them. Some theologians even argued that if they know to read and write they may write love letters and thus will be spoiled. This was all to keep women under male domination so that they do not assert their Islamic rights and acquire dignity of their own. Some theologians even obliged them not to step out of their houses without the permission of their husbands even if their parents were critically ill.

She was also required to cover herself from head to toe, including her face. However, the Qur'an does not state that she cover her face. The verse 24:31 which gives clear instructions about displaying adornment publicly no where says she should cover her face. It, on the contrary, requires women "not to display their adornments except what appears thereof". This part of the

verse clearly allows them cultural space to manifest what could be manifested in the given culture. This portion of the verse can be and should be subject to cultural interpretation. And the following portion of the verse "And let them wear their head-coverings over their bosoms" is also significant indicator that covering of the face is not insisted upon.

Covering of bosom was recommended as in tribal culture of Mecca and Madinah women did not even cover their bosoms as it happens in many tribal cultures even today. As urban culture was developing in Mecca and Madinah and thus it was necessary to prescribe dignified dress for women graduating to urban culture. But the intention was not to impose restrictions but rather to give her more dignity.

However, this verse was used to impose severe restrictions on her during medieval culture. She was made to observe *hijab,* which meant covering herself from head to toe just keeping two peep- holes to see. She was even not allowed to step out of the house without a male accompaniment. There is no such prescription in the Qur'an. It is only in the hadith but hadith prescription (supposing hadith itself is genuine) should also be seen in the light of the then social context. In Saudi society even today a woman cannot go without a male companion within the prohibited degree of marriage (*mahram*). She is not even allowed to drive a car though there is no such prohibition in shari`ah since automobiles did not exist in the world. But we do hear of women camel drivers in the Arab society of the Prophet's period. This prohibition to drive car exists only in the Saudi society. In other Muslim countries women are free to drive cars. Thus the Saudi prohibition for women to drive car is sociological than Islamic.

The Qur'an provides lot of cultural and social space to women all of which was taken away by man. The restriction imposed on women in Muslim societies should not be blamed on Qur'an. They must be seen in the sociological context. Unfortunately it is not only Taliban in Afghanistan who imposed such unacceptable restrictions on women in the name of Islamic

shari`ah but many other Muslim societies also impose similar, though less rigorous, restrictions on their women. More and more women, who have the benefit of modern education, are now resisting these restrictions and creating more social space for themselves.

The shari`ah formulations were also affected sociologically as pointed out above. The concept of *`adat* is also basically sociological but unfortunately it became part of permanent baggage of shari`ah. It is well known proposition in philosophy that one needs instrumental values to achieve implementation of fundamental values in a given society. The shari`ah provided these instrumental values which were suitable for the medieval society. Obviously fundamental values as embodied in the Qur'an are more important than the instrumental values provided by the shari`ah.

However, again for sociological reasons these instrumental values have become more important than fundamental values themselves. Any suggestion to change the instrumental values in order to better realise the fundamental values is not only resisted but denounced as heresy. Thus in Islamic world struggle for change is always dubbed as deviation from Islamic teachings.

The Islamic countries have been slow to modernise and also their political culture is still feudal and hence authoritarian. For change and reform democratic culture and a strong middle class is very necessary. Many Islamic countries have not even entered the industrial era. Hardly any Islamic country is engaged in fundamental research in sciences. Generally `ulama (Islamic clergy) comes from extremely backward and poor families without any modern vision. No scientific education is imparted to the students of theology along with the education in religion. Thus the outlook of the `ulama remains pre-modern and feudal.

These `ulama also often become part of power structure and support political status quo. Those at the top even control powerful but extremely conservative religious establishments. Thus they find it beneficial to resist change and reform and thus

negate the spirit of Islamic dynamism. The Qur'an had challenged the stagnant society of pre-Islamic Arabia and infused it with new dynamism and totally transformed it. Some such operation is needed once again to bring about transformation in Islamic societies. But unfortunately it is very difficult and challenging task as most of these societies are poor, backward and stagnant on whom all significance of going beyond has been lost. And the Muslim elites quietly surrender to the `ulama so that they can keep the Muslim masses under control.

Thus without transforming Muslim societies they cannot be elevated to the high ideals of Qur'an. It is easier to bring down the Qur'an to social level rather than elevate society to the Qur'anic level.

INTELLECTUAL APPROACH TO ISLAM

What is intellectual approach to religion? Is intellectual approach possible? Some people maintain that intellectual approach to religion is not possible, as it is basically spiritual experience. The questions religion raises are those which are out of realm of reason. Only spiritual or revelational experience can answer them. This is by and large true from one viewpoint. Then what do we mean by intellectual approach to Islam? Is such an approach desirable?

Before answering this question one has to properly define religion itself. What does one mean by religion? What areas does it embrace? It is often claimed by followers of different religions that it is a way of life which means it embraces all areas of life. No area of life can be excluded. If it is so religion does qualify for intellectual approach in several areas of life.

What we generally mean by religion is quite comprehensive. It includes as it is known in Islamic terminology *'ibadat* and *mu'amalat*. But what common people mean is even more comprehensive. It includes for them all customs, traditions and even superstitious beliefs. All that they have inherited from their forefathers is included in religious beliefs and then one acts according to these beliefs. Any opposition to these beliefs is condemned as unpardonable heresy. Often even primitive knowledge about the universe became part of these religious beliefs Thus both in Christian and Islamic tradition entire Ptolemaic astronomy and Aristotelian observations about the universe became part of religious traditions. In many Islamic institutions of higher education even today Ptolemaic astrology is taught and Aristotelian beliefs are considered part of Islamic teachings. The Christian world has, by and large, changed its outlook in these matters. Islamic institutions and the `ulama have not.

Thus, if religion is so defined, and made all inclusive, there is great need for intellectual approach to religion else we will become only a backward superstitious community. There is another difficulty here. Any religious community, particularly in Asia and Africa, is highly stratified – economically apart from culturally and educationally. Masses are often poor, illiterate and backward; the elite, on the other hand, are affluent and has higher educational qualifications.

This stratification also affects understanding of religion. There is no uniform understanding of religion and religious beliefs. At one extreme i.e. at the level of poor and illiterate masses, religion is nothing more than superstition and superstitious practices. It is no use condemning such superstitions at the level of extremely poor, illiterate masses. What is needed is to improve their income and literacy rates. Thus actual fight against superstitions is not mere ideological but efforts to improve their living and literary standards.

It does not mean there are no superstitious beliefs at the level of those who are better off in terms of income and education. Often one finds even rich and educated believing in superstitions. Superstitions at such levels are borne out of insecurity, tensions due to unresolvable problems or incurable diseases; not for want of intellectual incapabilities or lack of proper understanding. Such people often expect miracles – miraculous cure, miraculous solution for their problems, and miraculous way of becoming rich.

Religion for most of us, has become short cut to our problems. Belief in God – Allah – is not spiritual relations with the creator but He is looked as problem solver. It is important to note that in the Qur'an Allah is not projected as problem solver but as a Guide – Guide to right path. We are told to invoke Him for guiding to the right path – *sirat al-mustaqim*. Thus Allah is source of values – justice (*'adl*), benevolence (*ihsan*), compassion (*rahmah*) and wisdom (*hikmah*).

Also, He is projected as creator and nourisher (*rabb*). He is creator of all so He is nourisher of all. His guidance is for all, not for selected few. If someone follows His guidance and practices values the kind of problem we face will not arise. There will be no tension if we do no injustice, do not exploit others, show compassion to all, be benevolent to others and exercise wisdom gifted to us by Allah. It is we who create various problems through our wrong doings and then create problems for ourselves and for others. If our behaviour is value-based there would be no need for miracles and for superstitious behaviour. The whole problem is our behaviour is not value-oriented, it is interest-oriented. We act not according to the values of our revealed scripture, but to promote our personal interests

It is for this reason that we behave unjustly, greedily, maliciously, exploitatively, egoistically to promote our interests and in turn create conflict, bloodshed, murders and wars. The rulers wage wars for territorial ambitions and then pray for victory to the Almighty and expect miracles. And by sheer might of physical force if he or she wins the war it is projected as miracle and 'divine sanction'.

Islam is basically defined by what we call *shari'ah* which, as developed by the jurists over a period of time, includes both *`ibadat* (matters relating to spiritual aspects) and *mu`amalat* (matters related to human interaction in this worldly matters). As far as *`ibadat* are concerned they need not be judged intellectually but they too are not necessarily irrational or based on unreason. They may be beyond reason but not against reason. This distinction is important to make. *'ibadat* have their own rationale whether it is praying, fasting or pilgrimage or some other spiritual practices. They may not be same in all religions as every religion develops its own specific spiritual practices depending on history, culture and traditions.

Qur'an very clearly emphasises this that "And for everyone is goal to which he turns (himself), so vie with one another in

good works." (2:148) Thus emphasis is not on method or direction of prayer but on good (value-based) deeds. Again in 5:48 the Qur'an says "For every one of you We appointed a law and a way." The specificity, we should not remember, is not superiority. Much of irrational fights between religions can end if we accept specificities of *'ibadat* for every religion and emphasise, as the Qur'an does, the ethical aspects of individual and collective behaviour. Also, it must be borne in mind that *'ibadat* are a way of creating relationship between human being and her/his creator. Through this relationship one orders ones metaphysical aspects of life or builds theories of other worldly life. One also gives meaning to ones existence through spiritual relationship. One cannot lead meaningless life. One must give meaning to ones life through some or the other spiritual system. One thus enriches ones life though metaphysical relation with ones creator. Such an exercise of imparting meaning to ones life cannot be irrational though it may be beyond limitations of ones reason or comprehension.

The role of intellect is very important as far as *mu'amalat* is concerned i.e. the human interactions in social matters of this world. Some religions, depending on historical an cultural reasons, emphasise only spiritual aspects of religion i.e. *`ibadat* and may not directly deal with *mu`amalat* leaving it to customs and traditions or to framing of laws by human beings.

Qur'an, however, deals with legal aspects to i.e. with *mu`amalat*. It does lays down certain laws for marriage, divorce, inheritance, property, theft, rape and so on. The *shari`ah* laws in this respect, are based on the Qur'anic pronouncements. It is in this sense that *shari`ah* is considered divine by Muslims. But it must be understood that Qur'an is much more concerned with justice in human matters (*mu`amalat*) than any thing else.

Justice (*`adl*) is very fundamental to Islamic values. It is most fundamental value and all human relations are to be based on justice. Unjust relationships lead to conflict and violence. But

there is problem, defining justice. Throughout human history justice was defined by the powerful. Might was considered as always right. But according to the Qur'an, any relationship based on exploitation of one by the other is unjust, unethical and punishable in this world by worldly laws and by Allah in the world hereafter.

Thus the Qur'anic concept of non-exploitative relationship between human beings is an important contribution to human ethics and in the sphere of *mu amalat*. This is, it must be admitted, very rational approach to morality and ethics. "Might is right' approach is most irrational and though prevalent even today where intellect is considered most developed, and must be totally rejected.

The Western world where reason is supposedly prevalent in relatively much more than in 'backward' countries of Asia and Africa, justice is often decided through use of might. The inter-human relationship is far from being non-exploitative. The West dominates the world because of its might. Science has not been used rationally to promote common good but to monopolise resources for a few and hence there is so much conflict and violence in the world today.

Today with all human intellectual development it is not difficult to understand that what is just is rational and only what is rational can bring stability on earth. Even the most advanced countries on our planet experience great turmoil because their system is exploitative and not just and what is unjust cannot be stable and hence that system is not rational despite its breath taking progress in science and technology. Science and technology is means to an end, not an end in itself.

It is important to note that intellect is a tool and tool must be used in keeping with certain values to make it a boon for entire humanity. Allah has gifted human beings with two most precious gifts – intellect and compassion and if the two are synthesised humanity will never suffer. We often use our intellect for selfish

end and it becomes disaster for humanity. In twentieth century millions of people were killed in two wars with the help of science and technology. The world had never seen such destruction of human life before. Such destruction of human life took place with the help of human intellect as it was used for selfish ends. But if human intellect is used with compassion for human suffering world will turn into paradise.

The Qur'an lays stress on *hikmah* (wisdom) more than anything else as it synthesises both reason (*`aql*) and compassion (*rahmah*). One of Allah's names is *Hakim* (wise) and if wisdom is exercised there will be no suffering on earth. The power of intellect will be used for doing away with human suffering and never for intensifying it. Unfortunately today power of human intellect is being used more for increasing human suffering than minimising it.

Violence has been with us throughout human history and it is one of the greatest causes of human suffering in the world. With inventions of science and technology the power to perpetuate violence has increased beyond human imagination and this power is utilised by the most powerful nations to subjugate others or dominate others and to exploit the weak. The retaliatory violence on the part of the weak also tends to be horrific claiming innocent lives in the name of justice.

Since the weak cannot match the power possessed by the powerful it adds another dreadful weapon – religious rhetoric to its armoury. 'Jihad' is such a religious rhetoric being employed in the Islamic world. If one exercises wisdom as one of the important Qur'anic value, it will not be difficult to understand that such rhetoric is much more harmful to Muslims themselves. It brings even more disaster and invites self- destruction as it happened in Afghanistan after attack on World Trade Centre, in New York.

One must reflect seriously whether violence will pay to the weak. Violence, it should be obvious on little reflection ultimately

benefits the powerful who possess much greater capacity to retaliate. Should one be then permanently subjugated or dominated? Certainly not. The world is increasingly accepting democratic values, human dignity and just governance. It still appears to be an empty rhetoric. But it is acquiring increasing urgency in the modern world. What is needed is ever greater efforts to disseminate these values through modern means of communication. This 'weaponry' of democratic values is far more powerful for the oppressed than arms

However, and it is important to note, before flinging these values i.e. democratic values, human dignity and just governance before the international powers, one has to struggle hard to apply them at home. Today in the entire Islamic world these values have no meaning. In the first place there is no democracy in these countries. The very discourse of human dignity and human rights is rejected as 'western' while the rulers of these countries ironically depend for their very existence on the western powers whose values they reject so contemptuously.

Thus it is quite a challenging job to struggle for political acceptance of these values of democratic governance at home. It is then alone that these Islamic countries will be able to confront the western dominating powers for a dignified and meaningful relationship with these powerful countries. Today the dictatorial governments of Islamic countries dependent for their existence on western powers cannot build any such relations with western countries.

Also, there being no democratic freedom in these countries, a section of the youth uses violence against dominating countries in sheer frustration. And this violence, as pointed out before, proves more disastrous and also brings bad name to Islam. If one tenth of energy is spent on struggle for democratic governance by launching peaceful agitation it will be far more fruitful. Today there is total absence of such democratic movements in the Islamic countries. It is true these movements are ruthlessly

suppressed by the governments in Muslim countries but one has to after all fight for these values. This struggle for democratic governance will ultimately help fight for these values internationally.

Peace in Islam, as repeatedly pointed out by this writer, is much more fundamental than 'jihad' and peaceful democratic struggles will earn much greater acceptability and sympathy for the just causes. Violence delegitimises the very cause one is fighting for. Suicide bombing in Palestine does not help the cause much. Israel, which is an aggressor and usurper, earn more sympathy world-wide. Suicide bombing has not earned any support for the cause of Palestinians anywhere, in any quarter. It has brought condemnation.

Suicide bombing cannot be justified on Islamic grounds at all as it kills only innocent people, even school children who do not even understand the issues involved. The Qur'an clearly says "..whoever kills a person, unless it be for manslaughter or for mischief in the land, it is as though he had killed a whole humanity. And whoever saves a life, it is as though one has saved entire humanity.." (5:32)

Thus it will be seen that saving a life is as if one has saved entire humanity but suicide bombing instead of saving a life takes so many innocent lives who are neither responsible for manslaughter nor for mischief in the land. Suicide bombing is, thus, clear violation of the Qur'anic injunction. Suicide bombing not only kills the person himself which is certainly suicide, and not permissible, but also so many others, even a greater sin.

Compassion for innocent lives is the greatest virtue. Even in jihad one is not permitted to kill women, children and old men whereas suicide bombing kills all without any distinction. How can it be justified? Also, it is no way to humiliate the Israeli Government, which is real culprit. There is no better way of shaming an oppressor than invoking justice and compassion.

A rational approach and not emotional one would help the cause of the oppressor much more than otherwise. If the Palestine movement had stuck to peaceful democratic values it would have won far more sympathisers outside the Islamic world. Today human rights discourse is far more powerful, despite its limitations in the unjust world order. Even in early twentieth century Gandhiji's weapon of non-violence proved to be mightier than the British Empire. The 'naked fakir' proved to be more powerful than the highly armed British Empire.

Non-violent agitation is real combination of reason and compassion and is a great boon. Reason of course tells us that violence cannot help those with few weapons compared to those who have weapons to destroy the world several times over and compassion requires that no innocent life be taken. Jihad had some justification in the days when absolutist power prevailed and there was no acceptability for democratic discourse at all and peaceful and no-violent movement could not be launched.

One who takes cynical view can still insist that 'human rights discourse' is meant for weak and the powerful understand only the language of violence but it is not wise view. If non-violence and discourse of peace is intensely and repeatedly applied it is bound to produce result and it has been tried by many.

A real intellectual approach would reduce bloodshed in the world. A man of religion, a true Muslim, should be full of compassion as he/she worships Allah who is compassionate and merciful. Religion is nothing if not source of values and a religious person will be inspired by these values. Unfortunately religion is also hijacked by the powerful vested interests and rituals, rather than values, occupy the centre stage.

Also, religion has become a source of submission to (unjust) authorities rather than a powerful resource for dissent from it. An intellectual approach will inspire us to be critical of unjust authorities and for submission to justice and compassion. A

religious person will negate all that is unjust and will carry on jihad against unjust social structures. Compassion for life, all forms of life, is real submission to its the creator. Any person who destroys life cannot be real worshipper of creator of this world.

Negation of all forms of oppression through sustained peaceful struggle is real *iman* (faith) and a passionate commitment to justice and peace is real submission to Allah. It is both intellectual and compassionate approach. Not the love of tradition but tradition of love is the way out for suffering humanity. Human intellect and love of humanity and human dignity will redeem humanity.

ISLAM, MUSLIMS AND NON-MUSLIM COUNTRIES

As it is well known majority of Muslims in the world live as minorities in non-Muslim countries and hence number of problems arise which need to be tackled. There is large number of Muslims in Europe and North America besides in number of Latin American countries. Certain problems have been aggravated after 9/11 attacks on twin towers in New York.

Number of problems are arising most important of which is Muslims' loyalty to the country they live in. Often it is maintained that they are not loyal to the country of their residence and show their loyalty to some other Muslim country especially where their holy places are situated. In case of Indian Muslims it is alleged that Indian Muslims are loyal to Pakistan. And their loyalty to India is doubted by communal forces in India. This has caused many a riot in post-independence period.

It is maintained that it is teaching of Islam that one should not be loyal to the country of residence if it is non-Muslim country. It is far from true. The Holy Prophet (PBUH) is reported to have said that love of one's country is part of faith (iman). There is nothing in the Qur'an or in hadith literature, which urges Muslims not to be loyal to ones own country. It is quite incorrect and un-Islamic to maintain such an attitude.

Writer's like V.S.Naipaul have also maintained that those who convert to Islam renounce their pre-conversion culture and adopt Islamic culture. Mr. Naipaul has neither the knowledge of ground reality nor that of Islamic history. Each Muslim community has its own culture, which is basically native culture, culture of the soil. It is flying in the face of facts to say that all Muslims in the world have same culture called 'Islamic culture'. The anthropologists know it very well that no culture from any other country can ever be transplanted wholesale to another country.

And, no non-Arab Muslim country has ever adopted Arab culture, however, Islamic they might be. One has to differentiate between Islam and Arab culture. A culture can never be based solely on religion. History, geography, language, local customs and traditions all play their role in evolution of a culture. Religion, at best, could be, one among these factors. Often, Muslims in the same country like India have several regional cultures like North Indian Muslim culture, Tamil culture, Kashmiri culture, Kerala culture and so on. Thus in the same country Muslim community is far from being homogenous.

Whole of Iran converted to Islam over a few centuries but Iranian culture always maintained their distinctive features. They never compromised over it. Not only that they were often accused of being intensely loyal to their pre-Islamic beliefs like Zoroastrian dualism (thanaviyyat). They were even persecuted by Abbasid rulers for sticking to these beliefs.

This is true of Muslims all over the world. They do not give up their native culture and cultural traditions. Even the personal names never become wholly Islamic. The names of Indonesian Muslims, Malaysian Muslims, Thai Muslims are quite distinctive and not always Islamic. Mr. Naipaul is sadly mistaken if he believes otherwise. Even customs and traditions are quite different and have much in common with the native practices. In fact if anthropological surveys are conducted on what is called life cycle rituals between Muslim and non-Muslim communities of a country or a region of a country it will be found very much similar with minor differences.

Even in Shari`ah law there is provision for what is called '*aadaat* (customs). It is permitted to retain these customs as popular practices. In fact what is known as shari'ah law has incorporated many Arab '*aadaat*. Every Muslim community in every region practices such local '*aadaat* which are quite distinctive. Thus neither Muslims all over the world imitate Arab culture nor show disloyalty to their own country of residence and

loyalty to any Arab country. Such allegations are made out of political interests rathe than on the basis of reality.

Well, Muslims may desire to go for *haj* to Mecca and Madina (in Saudi Arabia) once in life as a religious duty but it does not, in any way, translate into political loyalty to that nation. It is sheer canard to maintain that. Also, it is a political canard to maintain that Indian Muslims are loyal to Pakistan. Some Indian Muslims – particularly from North India – may have some sympathies with Pakistan due to cultural and blood ties but it has nothing to do with political loyalty to that country.

Pakistan is again is very diverse country culturally and linguistically. The East Pakistan could not stay with West Pakistan, as Bengali language and culture were very different from the Punjabi and Urdu culture. Thus two-nation theory also collapsed as language and culture proved to be more important than religion. In remaining Pakistan too, there is immense diversity and non-Punjabi Muslims like Sindhi, Baluchi, Pathan and Urdu speaking Muslims have very different cultural traditions. All these people are immersed in their respective cultural traditions.

MUSLIMS IN THE GLOBALISED WORLD

In our globalised world new sets of problems are arising. Today a large number of Muslims are migrating mainly to the west i.e. to European and North American countries for better economic prospects. There is large number of Turkish Muslims in Germany or Muslims of Pakistani origin in U.K. One also finds quite a few Muslims in countries like Norway, Holland, France and several other European countries. In North America, particularly in the USA there are Muslims practically from every Muslim country be it Arab or non-Arab.

These migrant Muslims, like other non-Muslim migrants, retain their culture and language though it begins to diminish with coming generations. The first generation guards it jealously. America has also given up its earlier melting pot model of identity

and has adopted mosaic model instead. Thus Arab Muslims in America are now referred to as 'Arab Americans' or Pakistani and Indian Muslims as 'Pakistani Americans' or 'Indian Americans' and so on. It is very good attempt to preserve and promote democratic pluralism. While in India we see growing intolerance and national chauvinism western countries, particularly North America (which includes Canada) is showing growing tolerance for democratic pluralism.

However, the events of 9/11 have created some strains and new questions are arising. Islam is coming increasingly under cloud. Its teachings are being critically examined. The Qur'an is being increasingly studied by Americans and they are raising questions about its teachings. Today the Qur'an is being read much more widely than ever before. However, reading the Qur'an literally or in translation creates its own problems. To understand the Qur'an in its proper spirit one should be thoroughly acquainted with its historical context. If one does not have this background many verses are likely to be severely misunderstood. For example, there are verses about unbeliever (*kafirs*), Christians and Jews which, if not seen in the context in which they were revealed, they are likely to be misunderstood.

There are verses in the Qur'an which say Christians and Jews are friends of Muslims and there are verses which say they are not friends of Muslims and they cannot be trusted. All this leads to confusion or, if quoted selectively, can be misconstrued as Muslims being hostile to other communities. These verses, therefore, should be seen not only in the background of events but also in the context of overall teachings of Qur'an.

The over all teachings of the Qur'an is of tolerance of other faiths and acceptance of basic truth in all religions. The basic premise of the Qur'an is that Allah has sent His guides (*haad*) for every people and every nation (13:7) with the same truth. Therefore, it is duty of Muslims to accept all the prophets and show them equal respect (2:136) In fact, according to the Qur'an, it is duty of all Muslims to show equal respect to all the prophets

sent by Allah. Qur'an mentions all Biblical prophets among them but many sufis and theologians have added even non-biblical religious personalities including from India to this list.

Thus tolerance of all religions is a must for Muslims. Qur'an also maintains that there are different ways of worshipping Allah and one should not quarrel about them (2:148). And even if some people worship other than Allah, one should not abuse others Gods (6:109). Thus Qur'an does not teach conflict with other religions but tolerance and harmonious living and mutual respect for each other. Today we promote pluralism but Qur'an required Muslims to accept pluralism as Allah's Will. Allah has given each nation a law and a way and this pluralism is the test for us (for living in peace and harmony) (5:48)

Today freedom of religion and free speech is among the basic values of our society. When Islam appeared on the scene in 7^{th} century A.D. these values simply did not exist. Intolerance and fanaticism were widely prevalent. But the Qur'an promoted respect for all religions and acceptance of basic truth of all religions. It also taught freedom of conscience and laid stress on it (2:256). Of course it is about no compulsion in religion but it applies to all matters of conscience. Religion is an integral part of ones conscience and hence when there is no compulsion in matter of religion there cannot be compulsion in any other matter and according to the Qur'an human beings have full freedom of conscience.

Islam is thus most modern religion. It guarantees religious freedom on three levels: 1) one can follow any religion one likes or no religion at all; 2) one can worship any god one likes and 3) one can worship in any way likes. Islam has its own beliefs and its own way of worship but others cannot be compelled to adopt them.

Also, the Qur'an clearly says that there are different laws and different ways for different communities to follow. The Qur'an says, " For everyone of you We appointed a law and a way. (5:48) Thus the law and the way depends on the genius and

requirements of the community. Many Muslim 'ulama (theologians) also maintain, on the basis of such verses that *din* (basic religion) is one and laws (shari`ahs) differ from people to people and community to community.

There is thus no question of coercion in matters of religion. Everyone should be free to follow any religion or no religion at all. Muslims should respect others freedom according to their scripture. In other words Muslims should co-exist with others in peace and harmony. They should respect laws and ways of other communities. If there are any problems they should be solved through dialogue

Muslims have been exhorted by the Qur'an to "argue not with the People of the Book except by what is best ...(29:46). The definition of the People of the Book should also not be restrictive but inclusive. In the past Muslim `ulama when confronted with other communities, sought to include them among the People of the Book. The modern constitutional laws should also be respected as these constitutions are based on certain values like justice, freedom of conscience, human dignity, freedom of religion and rights of individual.

Thus where Muslims are in minority and living in non-Muslim majority countries they should respect the constitutional provisions. The right to freedom of religion is very valuable right and it should be used as creatively as possible. The Muslims in many non-Muslim countries like India, America, Canada and European countries do live in peace and harmony with their non-Muslim co-citizens.

Another important provision in the Qur'an which is obligatory on Muslims is practicing justice (*'adl).* A Muslim cannot be unjust, if he is true Muslim. An unjust Muslim is a contradiction in terms. In the Qur'an justice is integrally connected to the concept of piety (5:8). There are several injunctions in the Qur'an to stand by justice. The Qur'an says "O you who believe, be upright for Allah, bearers of witness with justice; and let not hatred of a people incite you not to act

equitably. Be just; that is nearest to observance of piety. (5:8). Also in 4:58 the Qur'an says, "..and that when you judge between people, you judge with justice."

Thus justice is very fundamental to Islam. Even hatred and hostility with people should not make any Muslim act with injustice towards them and he should always judge between people justly. Again it is most modern value which the Qur'an so much emphasized hundreds of years ago. Justice is emphasized by all modern constitutions in democracies. Thus Muslims should feel quite comfortable in modern constitutional democracies.' A Muslim should not approve of any undemocratic regime based on coercive dictatorship. Coercive dictatorship flouts, all norms of justice most flagrantly. Thus, if justice is such fundamental value, a Muslim should not tolerate dictatorship in any form. He should wage peaceful struggle against it and for ushering in democracy.

Democracy is so essential for an Islamic set up as without it one can neither realize freedom of conscience nor have a just dispensation. As pointed out freedom of conscience and justice are most fundamental to Islam, democracy also becomes essential, as these values cannot be realized without democracy. Respect for human dignity is also an essential teaching of Qur'an (see 12:70). Human dignity cannot be respected in a non-democratic system.

It is also to be noted that justice cannot be achieved through violence or feeling of revenge. Such an attitude begets more violence. It is totally wrong to think that one can achieve justice through violent or terrorist means. On the other hand, it begets more violence. It is for this reason that Qur'an's emphasis is on peace, not on violence, as many people think. Jihad is nothing but utmost efforts to realize justice peacefully.

In non-democratic set up violence becomes the rule and one has to use violence to ward off violent attacks. Islam permitted violence in defense in non-democratic tribal society where war was rule rather than exception. Peace was exception in that society. The concept of *qisas* (retaliation) is not a norm; it is only

permitted in the given society. The norm is forgiving (*ghafr*), for Allah's name is *Ghafur al-Rahim* i.e. (Forgiver, Compassionate).

Thus retaliation was permitted in a society, which was non-democratic and violent and for a democratic society one should not practice revenge and retaliation but forbearance and forgiveness. These are high moral qualities. In a democratic society jihad takes the form of only peaceful democratic struggle for justice. The understanding of jihad in early Islamic society cannot, and should not be binding on today's generation of Muslims. Today Muslims have right to attempt *ijtihad* (reinterpretation) of jihad as democratic struggle for justice. Jihad can be permitted only for realization of justice and in modern democracy it can take only democratic form.

It should be remembered that values *per se* are any time more important than what form realization of these values take in a given society. If justice could be realized in medieval society through war it can be realized today through peaceful democratic manner. What is ultimately important is justice, not war or jihad. The forms of struggle would be decided according to the given situation. But often, on account of dogmatism and narrow mindset form struggle takes becomes more important than the reason for that struggle. Thus in Muslim mind *jihad* has become more important than the reason for waging it. We have to reverse this and make people understand that it is justice, which is important, not jihad (as war), which was the possible form in those days.

We have also to bear in mind that in democracy all people live under rule of law and the struggle for justice has to be collective, Muslims and non-Muslims together. It should be a common project. The Qur'an expresses this by using the word *naas* (people). All people in a democracy should ensure justice through democratic struggles. However, it is obligatory for believers – Muslims – to struggle for justice, even others do not join in. It is obligatory for Muslims to ensure justice not only for themselves but for people as a whole, even for their enemies. This is not only desirable but obligatory.

Thus any act that leads to gross injustice in the society, much less an act of terror, must be fought against. One cannot condone violence by one section of society against another section, be it on grounds of religion, or any ground. It runs against the spirit of Qur'an.

It is duty of Muslims living in any non-Muslim country to fight for justice not only within the country but also against external forces. If anyone commits aggression against the country (Muslim or non-Muslim) it is patriotic duty of Muslims to defend the country against external aggression. The Prophet of Islam has set an example in this respect through what is known as *Mithaq-I-Madina* i.e. covenant of Medina. When the Prophet migrated from Mecca to Madina he drew up a covenant with the people of Medina irrespective of their religion – Jews of various tribes, Muslims of various tribes and non-believers (pagans) of various tribes to form a community, which he called *ummah wahidah* (one community) and made it obligatory for all the signatory to the covenant to defend Medina together, if attacked by outsiders..

It should be noted that in this covenant religion was no condition for forming an *ummah wahidah* (one community) and defense of the city was duty of all. It should be noted that at the time of drawing up the covenant Muslims were in minority in Medinah. Thus wherever Muslims are in minority it is their duty to defend their country along with other non-Muslims.

And wherever Muslims are in majority it is obligatory for them to ensure full justice to religious minorities. Justice is more fundamental than any ones religion. Non-Muslim minorities should not only be free to follow their religion and protect their identities but also should be entitled to equal political rights. One must distinguish between religious community and political community. As religious communities they may have their distinctive practices but as political community they should have same rights and this is what the Prophet (PBUH) meant by calling the Medinese community, which included Jews, Muslims and pagans as *ummah wahidah*

In modern democratic polity Muslims should enjoy equal rights if in minority and by same logic non-Muslims should enjoy equal political rights, if Muslims are in majority. This is what justice demands. As pointed out at the outset majority of Muslims lives as minority in various countries and is enjoying equal political rights. They should also reciprocate in the same spirit.

RELIGION AND ECONOMIC JUSTICE

It is usually thought that religion is on the side of establishment and vested interests – economic as well as political and it can never become a resource for justice. It is weapon in the hands of vested interests rather than weaker sections of the society. It is rather simplistic statement though it has some historical truth in it. Religion has been misused by not only the rulers but also by the priesthood. Every religious tradition has history of siding with the powerful ruling establishments.

The religious leaders and priests, though pose themselves as pious or religious persons have all the weakness of flesh. They sell religion for their own benefits or side with ruling establishments in their anti-poor policies. No religion has been an exception in this respect. Even Christianity and Islam which stand by weaker sections of society, if we go by the scriptural text of these religions, have no different history. Both the Christian priesthood and Islamic 'Ulama' often sided with oppressive and exploitative ruling establishments. This has led to this simplistic belief that religion *per se* shares the blame.

The priesthood in every religious tradition had had, as pointed out above, its own weakness for power and pelf. They often use religion as a legitimising cover to fulfil their personal ambitions. There is no dearth of such priests even in our own time, and in all religious traditions. Most of the religions began as protest movements against oppression and exploitation but were soon hijacked by vested interests in one way or the other. This is the history of political revolutions also. Even French and Russian revolutions succumbed to hegemonic or exploitative forces though their ideals inspire many even today. These ideals can help fight forces of exploitation even today.

Religion and its socio-economic role should also be assessed in the light of complex social, economic and political forces working in the society. An attempt should be made to study religion and religious ideals through scriptural injunctions and

how they were interpreted and practised in the given socio-economic and political conditions. Also the role of priesthood has to be objectively judged whether it allows religion to be hijacked by vested interests or refuses to compromise.

The Biblical pronouncement that meek shall inherit the earth, is an indicator in this direction. Judaism too, lays great stress on justice and Islam of course treats equality and justice as fundamental value. In fact the prophets of these religious traditions belonged to weaker sections of society and they had to wage relentless struggle to liberate their people from the clutches of powerful vested interests both political and economic. These prophets were severely persecuted but they stood their grounds. During their lifetime religion indeed was an option for the poor and oppressed.

Let us examine the central teachings of some of the great religions of the world. Buddhism lays so much stress on compassion and middle path. It also makes its followers sensitive to suffering called *dukkha*. An engaged Buddhist intellectual Kuliyapitiye Prananda, laying stress on this aspect of Buddhist teaching succinctly puts it thus: "avoid improper investment; avoid improper treatment and avoid improper consumption."

These are very religious attitudes. A truly religious person, will neither invest in improper way leading to exploiting the people nor will ever indulge in over or improper consumption. Many religious leaders lead life of great ostentation and their source of earning depends either on dependence on powerful vested interests and justifying their oppressive ways or on extorting money from their own followers in the name of religion. They, in order to perpetuate their power spread superstitions in the name of religion and induce in them fear of hell, if they do not obey their injunctions. This is, to say the least, most irreligious behaviour. Such behaviour of the priesthood should not be equated with religious teachings.

Christianity was also a great liberative force in its early history until it was adopted by the Roman ruling establishment.

Christianity always laid stress on working for the poor. The Christ's companions were all from amongst the poor and he gave good news to them of their liberation. The liberation theologians of Latin America maintain that 'Kingdom of God' should be established here on earth – a Kingdom, which would liberate the poor.

Enrique Dussel, a liberation theologian of Latin America believes in interpreting the Bible in a way that will establish justice for the oppressed. He, in his essay on "Domination – Liberation" says, "Biblical symbolism shows us through the prophetic tradition an argument or line of thought which we shall here set out briefly. In the first place "Cain rose up against his brother Abel, and killed him" (Gen.4.8) and Jesus adds the comment "innocent Abel" (Mt. 23.25). To say "no" to my neighbour is the only possible sin, it is the "sin of the world" or the fundamental sin. The same "no" to my neighbour is said by the priest and the levite in the parable of the Samaritan (LK 10.31-2). Augustine, in the political interpretation of original sin, says clearly that "Cain founded a city, while Abel the wanderer did not". Historically and actually sin since the fifteenth century has taken the form of a "no" on the part of the North Atlantic centre to the Indian, the African, the Asian and to the worker, the peasant and the outcast. It has been a 'no' to the woman in patriarchal families, and a "no" to the child in the oppressor's educational system."

In the Jewish tradition delivery of Israel from bondage of Egyptian Pharaoh is an act of liberation. This liberation of children of Israel was led by Moses and it has pride of place in the Jewish history. At the time of the Passover Feast, which the Jews celebrate, the following is recounted so that succeeding generation of Jews may recognise and acknowledge the God who saved them from oppression:

> A wandering Aramean was my father; and he went down into Egypt and sojourned there, few in number; and the Egyptians treated us harshly, and afflicted us, and laid upon

> us hard bondage. Then we cited to the Lord our God of our fathers, and the Lord heard our voice and saw our affliction, our toil, and our oppression; and the Lord brought us out of Egypt with a mighty hand and an outstretched arm, with great terror, with signs and wonders; and he brought us into this place and gave us this land, a land flowing with milk and honey. (Exodus 26/5-9).

In Islam too, as pointed out before, there is great emphasis on justice both social and economic. The Qur'anic text is full of such verses which exhort believers and non-believers to avoid concentration of wealth. Islam was basically the religion of justice and equality. It wants to do away with all forms of oppression and establish a just society right on this earth. Islam came into existence in Mecca, which was city of international finance in those days as all trade caravans used to pass through Mecca and all transaction took place there.

There was great deal of concentration of wealth in few hands in Mecca and the poor were neglected and exploited. Thus there was a great economic malaise in Mecca and all tribal norms were neglected. Even the near relatives were not taken care of. The Prophet of Islam was greatly disturbed by these conditions. He was greatly disposed towards a just society and no wonder Islam exhorted the Meccan rich not to exploit the poor and distribute wealth. It was distribution of wealth which could lead to establishment of just society. Islam never favoured concentration of wealth in few hands. There are several verses in the Qur'an to this effect.

Thus in an early Meccan *surah* (chapter 104) the Qur'an says: "Woe to every slanderer, defamer. Who amasses wealth and counts it. He thinks that his wealth will make him abide. Nay, he will certainly be hurled into the crushing disaster. And what will make thee realise what the crushing disaster is? It is the Fire kindled by Allah. Which rises over hearts...."

From the verses above it will be seen there is strong denunciation of accumulation of wealth as this accumulation in

few hands in Mecca was causing great suffering to the poor and needy in that town. It was indeed for this exhortation for distributive justice that the rich and powerful leaders of Mecca became so hostile to the Prophet of Islam. Some of the scholars of Islam from Egypt have maintained that the hostility of the Meccan kafirs was not so much because of doctrine of *tawhid* (unity of God) as for uncompromising attack of the Qur'an on concentration of wealth. If the Prophet had ceased attacking riches of Meccan tribal leaders they would have accepted Islam in all probability. But that was not to be. The Prophet refused to compromise on that count.

Again in chapter 107 it is said in the Qur'an, "Hast thou seen him who belies religion? That is the one who is rough to the orphan, And urges not the feeding of the needy, so woe to the praying ones, who are unmindful of their prayer! Who do (good) to be seen, and refrain from acts of kindness."

This chapter is quite self-explanatory. The Qur'an says that hose who do not take care of orphans and needy are in fact those who belie religion. Real religion is to be compassionate to the suffering of the needy and to help them. Those who pray and neglect the needy and poor are in fact praying to show off. Their prayer is not real prayer. The Prophet (PBUH) is reported to have said that feeding a hungry widow is more meritorious than praying whole night. The Prophet passionately believed in economic justice. Whenever he received some food he would invite others who were hungry to partake of that food. He always distributed the *zakat* amount received from well off Muslims equally among his followers. He never favoured even his own daughter Fatima in this respect. She was in great need of a servant as she had to grind grains herself and her hands had developed blisters but Prophet strictly refused to oblige her. There were more needy than her and they had to be taken care of. These were the exacting standards of the Prophet (PBUH) as far as distributive justice was concerned.

Some people came to the Prophet and asked him what to spend in the way of Allah, the Allah required the Prophet to say that spend what is surplus after meeting your essential needs (2:219). A philosopher-poet from India Muhammad Iqbal even saw in such verses the real alternative to communism. In a just society one should not have more than what is needed for ones basic needs. The surplus left thereafter should be given away to those whose basic needs are not fulfilled.

The concept of basic needs of course might change from time to time and in each epoch there can be consensus about common minimum needs. The state can also determine the level of common minimum needs. In any case there should not be conspicuous consumption when many others are dying of hunger. Islam totally disapproves of conspicuous consumption.

Islam prohibits man from wearing gold ornament (except a gold ring in one finger) and eat and drink from golden or silver vessels and to wear silken clothes. The early Muslims followed this strictly. Even the early Caliphs used to wear patched clothes though they were rulers of great empire. They led exemplary simple life like the Prophet. It was during the Umayyad period that ruling classes began to lead life of utter luxury and built palaces for themselves in flagrant violations of Islamic teachings. The Abbasids even surpassed the Umayyads in their life style.

It was during these times that rituals became more important than the Islamic values of equality, justice and alleviation of poverty and working for upliftment of weaker sections of society. Islam does not approve of tyrant and exploiting rulers. The Holy Prophet is reported to have said that real jihad is to speak truth in the face of a tyrant. His companions like Abu Dhar Ghifari had this quality.

However, once Umayyad rulers like Yazid renounced all pretensions of following Islam and began to indulge in all pre-Islamic practices based on conspicuous consumption and ridiculed Islamic teachings the real spirit of Islamic revolution was lost. Then the 'Ulama who wanted to be on the right side of

these rulers gave a *fatwa* that any ruler who enforces Islamic prayer (*salah*) must be obeyed even if he happens to be a tyrant and exploiter. This was total negation of true Islamic spirit of early period. Thus empire builders hijacked religion for their own purposes. Also, there were some 'ulama who refused to compromise and had to face severe persecution at the hands of rulers.

It is interesting to note that Imam Ghazzali, a great Islamic thinker and a sufi-cum-philosopher maintained that it is prohibited (*haram*) to look at the face of a tyrant ruler and if it be necessary to talk to him one should turn ones face in other direction and talk to him. Ghazzali wrote this during the last days of the Abbasid rule when the Abbasid caliphs had become very weak and Turkish dynasties ruled as sultans using them as mere symbols. These sultans hardly ever cared for Islamic norms. Their only interest was in political power.

The Qur'an requires wealth not to be hoarded; but spent on the poor and needy. In verse 9:34 the Qur'an says, "And those who hoard up gold and silver (dinars and dirhams, which was currency of those days) and spend it not in Allah's way – announce to them a painful chastisement."

It is quite clear from this verse that the Qur'an wanted social and economic justice to be promoted and opposed injustices resulting in turmoil and violence. This is possible only when all sections of society can fulfil their economic needs. But if wealth is concentrated in a few hands this will not be possible and, the rich would spend their wealth on ostentation.

As pointed out Islam discourages life of ostentation. And it was on the basis of such Qur'anic verses that the Holy Prophet even prohibited men to wear silken clothes and to eat and drink from golden or silver vessels and to wear gold ornaments. These were the signs of ostentation. Islam cannot at all brook situation in which while the rich indulge in ostentation, the poor and needy starve in the society which cause imbalances and disturbances. The Prophet's closest companion Abu Dharr used to recite the

verse 9:34 quoted above and exhort the Muslims who began to indulge in luxurious living. He would not even shake hands with those who led the life of ostentation. He would demand that all Muslims should lead life of simplicity as the Prophet did.

In the changed environment persons like Abu Dhar found no support for his campaign. He was looked upon as a nuisance by the newly emerging rich. He was exiled to the desert of Rabza where he died a lonely death. His wife did not have even money for buying shroud for him. He was buried in his clothes he was wearing at the time of his death. He paid a heavy price for his Islamic idealism.

It is interesting to note that the Qur'an maintains that the whole social dynamics is determined by struggle between what it calls *istid'af* and *istikbar* i.e. struggle between the weak and those who have arrogance of power and that Allah is on the side of the weak. Thus we find in the Qur'an, "And We desired to bestow a favour upon those who were deemed weak in the land, and to make them the leaders, and to make them the heirs." (28:5). It is quite an important contribution of the Qur'an to humanity at a time when there was no concept of social justice and the weak and poor were looked down upon as of no consequence and having no rights.

Thus the message of the Qur'an, is clear. It is on the side of the weak and Allah's favour will be for them. There cannot be any compromise on this. According to the Qur'an this struggle will never cease until the weak (*mustad'ifin*) are empowered and since allah is on their side they will triumph one day. Hope and faith are most important weapons of the weaker sections of society and they should not give up these weapons. No struggle can be carried out without these weapons. The Qur'an clearly says "do not despair".

Since the Qur'an wants to bring about just distribution of wealth it gave the concept of the institution of *zakah* a word which means purification. Thus it is only through distribution that social wealth can be purified. And it is only purified wealth,

which can bring happiness to all on earth. The Prophet of Islam himself was a role model in this respect. He led starkly simple life and distributed whatever came to the state treasury among the poor and needy. He also instituted the concept of *fitrah* i.e. to spare something for the poor and needy on the occasion of Eid so that the poor also could share the happiness. Giving fitrah *is the sunnah of the Prophet.* Thus Eid cannot be celebrated by the rich without sharing its joys with the poor.

Giving Zakah also is so important that every verse in Qur'an about *salah* i.e. prayer mentions *zakah.* Thus there cannot be real prayer without giving *zakah* on one's earnings. The poor tax is a must for every Muslim. Zakah thus has central importance in Islamic society. It is Islamic doctrine that no one should starve in a truly Islamic society.

The 2nd caliph Umar used to say I will have to account to Allah on the day of judgement even if a dog dies of hunger in my regime. Ali, the son-in-law and spiritual heir of the Prophet and heir to his knowledge also led, like the Prophet, starkly simple life and observed rigorous justice in distribution of wealth from state treasury.

Islam also stresses dignity of labour and forbids all forms of unearned income and stresses the concept of what is known in shari`ah literature as *kasb-i-halal* i.e. legitimately earned income. It prohibits buying food grains unriped in the field and unripe fruit on trees as it amounts to exploiting the peasant. It prohibits all forms of speculation as it often leads to making easy money. There should not be any place for stock exchange operations in Islam as it is purely speculative. Islam also prohibits *mukhabirah* i.e. share cropping as it amounts to unearned income and the Prophet wanted land to be possessed only by actual tillers. No one should retain land if he cannot till it.

Ribah (which means not only usury) but all forms of unearned income has been strictly prohibited by Islam. *Ribah* actually means unjust growth and not only interest. Unfortunately

it is used only for usury or interest and not all forms of unjust and unearned growth.

Thus it will be seen that all religions in general, and Abrahamic religions, in particular, lay great stress on economic justice and are an option for the poor. It is in course of history that most of these religions were hijacked by vested interests and made them an integral part of ruling establishments. Thus religions were seen to be on the side of the rich and powerful. It seriously violated the spirit of religion. The capitalist, consumerist society of today has totally disowned religion. A religion, which stresses justice and compassion for suffering can only correct the wrongs of this society.