



ISLAM

Misgivings and History

Asghar Ali Engineer

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Preface

This book is a collection of essays written under "Islam and Modern Age" series, on different problems facing Islam, Muslims and the Islamic world. Islamic world is yet to emerge from semi-colonial and feudal attitudes. But there is no fertile ground for modernism and modern values to grow on. Since they are being imposed from outside, the inner values violently oppose all efforts.

Modernism develops with capitalism and industrialization. One does not find industrialization or development of bourgeois class taking place in any of the Islamic countries. This explains the absence of democracy in Islamic world and one finds kings, military dictators and feudal class wielding power.

Feudal classes invoke orthodox Islam and join with the ultra-conservative theologians to legitimize their rule while masses remain steeped in poverty, illiteracy and orthodoxy. Saudi Monarchy still claims Qur'an to be the only Constitution in their country and frustrate any attempt to bring in a rule of law. Human rights record of all these countries are far from satisfactory. Americans, because of their own interest, comfortably ally with

these dictatorial powers and prevent any meaningful democratic change in the region.

This book maintains that Islam is not the real problem; it is the political classes which put forth obstacle preventing any kind of change. Islam, on the other hand, can become an important resource for progress and change, if political class allows enough intellectual space. In the absence of genuine freedom, modern Islamic scholars are severely constrained in creatively reinterpreting Islam.

There are many instances in which modernist scholars had to flee from their countries. The example of Fazlur Rehman of Pakistan and Zaid Abu Nasr of Egypt readily comes to mind. Both were forced to leave their respective countries and found refuge in Western countries. Those who could not leave had to waste their years in prison.

It should also be noted that dictators cannot modernize a society from above, if the grassroots are not ready to change. The example of King Amanullah of Afghanistan and of Iran under Shah, very well illustrate this. If a concerted move for industrialization, spread of education and eradication of poverty, is not there, changes imposed from above will never work. Such an attempt, on the other hand, makes conservative clergy much stronger and politicized.

The scholars, sociologists and political scientists who maintain that Islam prevents social change are putting cart before the horse. There are enough possibilities in Islamic teachings to develop a powerful discourse for modernization and change. I have tried to show this through the essays included in this book.

The gender issue brought much criticism on Islamic world. Women hardly enjoy rights which men do and are forced into veil and arranged or child marriages and total submission to husband's authority. Venturing out alone, wife beating etc., are often recurring problems. Honour killings are also rampant in many Islamic societies.

In essays like "Women's Discourse in Qur'an—Rights-based or Duty-based?", I have elucidated that Qur'anic teachings are not at all responsible for these problems. The blame lies on social backwardness. Islamic world is still struggling for survival under the debris of the past and it will take a long time to clear this debris. Even if cleared, it will take long to build a modern structure. Bricks and stones for new construction are not easy to get.

However, these essays may act as bricks and stones for the new structure. New breed of theologians, who will have to act as builders, are the need of the hour. But unfortunately this new breed is no where to be seen. The Madrasas, which can produce this new breed, are strictly controlled by orthodox theologians. These essays should be seen as the manifesto of modern Islam on modern Islamic discourse.

This book tries to remove all the misunderstandings about Islam which are widely prevalent, like thrusting of all practices in Muslim world on Islam and its teachings. Even the 9/11 attack on the World Trade Centre in New York was thought to be a product of jihadi Islam. The Western scholars, having very superficial knowledge of Islamic theology, and motivated by their prejudices, amalgamate Islam and jihad together. They never bother to find out how pivotal peace is to Qur'anic teachings.

I hope these essays put together in this book will go some way in removing these misunderstandings and will equally be of some use to Muslim modernists.

Asghar Ali Engineer

Section I
MACRO VIEW

CHAPTER 1

Faith Ebbs amid History's Flow

Islam is often viewed as a religion of violence and jihad. It carries a strange notion that it was spread through sword—an argument far from true. The history of Islam is compared with religious teachings of Christianity, Buddhism and Hinduism. However, the counter-reference in such a case is neither Islam, nor its religious contents or its teachings. Comparison between religious teachings of one faith with the history of another has to be just and fair.

History of almost all religions is far from conforming to their teachings. Religion basically comes under spiritual and moral sphere whereas history is a by-product of a complex interplay of several factors like human ambitions, personal interests, rivalry for power, stature and position and even wars for their sake. They have been fought through the course of history among followers of one faith against the followers of the other under the cover of religion. But battles are often waged for reasons other

than spreading religion. Thus, the two should not be mixed. Religion can never be spread through the might of sword. It is spread through change of hearts and minds. Religion has its appeal to conscience. One can embrace a faith, or religion only if it appeals to ones conscience. The other case for change or conversion to another faith is when one sees an opportunity to promote one's personal interest. But there are very few instances of conversion through inducement or driving fear. Forcible conversions cannot last long.

Be it Islam, Buddhism, or Christianity, similarities prevail in their moral and spiritual teachings though there may be marked differences in their set of rituals, concepts, theological statements and laws. Both similarities and differences should be properly understood. Yet, moral and spiritual truths cannot differ in any significant manner. It is on this ground that Qur'an pronounces doctrine of *Wahdat-e-Deen* (unity of religions) which has been developed with great clarity by Indian theologians like Shah Waliullah and Maulana Abul Kalam Azad.

Misgivings about Islam mainly arise due to intermixing of Islam with its history. This cannot be removed by merely quoting certain Qur'anic verses which represent ideals of Islam; much less one can hope to do so by glorifying history of Islam. One also has to examine objectively and dispassionately history of Islam in the light of complex factors which mould history as such.

Islamic Teachings

Islam is one of the greatest religions of the world that transformed Arabia, (its place of birth) from a backward, tribal society into

a great, moral and spiritual land. The Arab society before Islam was immersed in superstitions, divided into often mutually antagonistic tribes causing bloodshed and fratricidal warfare, without any moral code or higher spiritual practices. Certain tribes were dominating the socio-economic fabric of society and unscrupulously exploiting weaker sections. The poor, the needy and women were reduced to a helpless lot. There was no political authority to enforce moral and legal obligations upon rich and powerful. Certain oral traditions held sway as very few people could read and write. Even cadence of Arabic poetry was never reduced to writing. They possessed no scripture to provide moral guidance to them.

It was in this vacuum that Islam's advent took place and it became an epitome of moral and spiritual standards of a very high order. Thus, it was welcomed by weaker sections of Arab society and those who found superstitious practices of the times absurd and lacking in spiritual and moral standing. Islam greatly attracted all such sections of society. But it was vehemently opposed by powerful vested interests who feared loss of their leadership to the Prophet of Islam and sensed great danger to their power, accumulated wealth and means to augment it further.

The early Qur'anic verses in Mecca greatly emphasized social and economic justice and powerfully attacked accumulation of wealth and all exploitative practices. Right from Meccan to Madinese period justice (*'adil* and *qist*) remained central to Islamic teachings. Qur'an also exhorted people of Mecca to be sensitive to sufferings of weaker sections of society. Allah is repeatedly described as *Rahim* and *Rahman* i.e., merciful and compassionate—attributes not much appreciated by the powerful and rich of Mecca.

The rich of Mecca did not have any objection to the concept of one God; they would have gladly accepted it had the Qur'an not attacked accumulation of wealth and neglect of poor and needy. The Qur'anic verses of the Meccan period attacked the whole social system in Mecca and wanted it replaced by a just and sensitive system catering to all the needy and poor, including widows and orphans. This was not simply acceptable to the Meccan tribal leaders who, besides their tribal supremacy, preferred ostentatious living and exploiting the weaker sections in order to increase and multiply their wealth.

Islam advocated equality and dignity of all human beings, attacking any sense of superiority of one tribe over the other and of Arabs over non-Arabs. This was nothing short of a revolution and the ruling tribe of Quraysh, to which the Prophet (PBUH) himself belonged, was not prepared to accept it at any cost. The Quraysh of Mecca and its ruling strata were determined to maintain its supremacy. It could contemplate no compromise with such revolutionary teachings of Islam and tried to smash this movement in its infancy.

They persecuted followers of the Prophet and even attempted to assassinate him through well-planned conspiracy. The Prophet (PBUH) succeeded in escaping to Madina. He was welcomed with open arms as he had successfully acted as a peacemaker between the feuding tribes of Aus and Khazraj. Islam firmly stands for justice and peace. One of Allah's names is Salaam (peace) and even paradise (*jannah*) is described in the Qur'an as a place of peace and security. We see wars in history of Islam, not in teachings of Islam (Qur'an). There are certain pronouncements inducing Muslims to fight *kuffar* (non-believer) of Mecca but it is purely in defence, not at all as aggressors. They are exhorted

to fight only when attacked and not to be aggressive. In fact, Qur'an wants Muslims to be harbingers of justice and peace.

The Qur'an emphasizes justice to the extent of practicing it even when it goes against one's own self, one's parents and one's own tribe or community. Peace is possible only when justice is practiced with such rigour. A *mumin*, a true believer in Islam, has to rigorously believe in these values. In fact, a *mumin* was nothing but a new human person, a perfect human being (Sufis term it as *insane-e-kaamil*). And a *mumin* as described by the Qur'an, has to dedicate himself to truth and patience, justice and peace, a dedicated actor to transform this society into a society free of all evils especially from injustices, oppression and exploitation of all kinds. Only such a society can be described as a truly Islamic society. Also, justice is a very comprehensive term in Qur'an. It is by no means limited to Muslims; all who live in Islamic society, Muslims or not, should avail of it and oppression and exploitation will not be permitted even for a *kafir*. Qur'anic verses are very clear on this though often some verses are taken out of the context to prove things otherwise.

There will be no compulsion of any kind for anyone to follow this or that religion. There would be complete freedom of conscience and even a non-Muslim poor and needy will be entitled to all the benefits, even from *zakat* or alms and *bait-al-mal* (state treasury), if it happens to be in an Islamic country.

A *mumin* can never be unjust and oppressor. He is always supposed to be actively working for promoting justice and peace. S/he will courageously speak truth in the face of a tyrant ruler. So much so that this has been described by the Prophet (PBUH) as real and most meritorious jihad. If one becomes truthful and constantly struggles for justice, there will hardly be

any need for war with sword. War with sword is needed only to fulfil ones greed and Qur'an attacks greedy behaviour.

A *mūmin* will always stand for weaker sections (described by the Qur'an as '*mustad'ifin*') and fight for them against arrogant and powerful rulers (described as '*mustakbirin*'). Prophet Abraham fought against Nimrod, a great oppressor and arrogant ruler, and, hence, the Qur'an accepts Prophet Abraham as '*Hanif*'—one who stands for truth and even throws himself into fire lit by Nimrod for the sake of truthfulness.

Moses fought for liberation of Israelis from the oppression and tyrannies of Pharaoh and fought against Pharaoh's arrogance (*istikbar*) and Allah rewarded Moses and punished Pharaoh. Arrogance of power and using ones power for oppressing others is the greatest *kufir* and is strongly denounced by the Qur'an. One can be real *mūmin* if one practices this morality and if one simply accepts Islam without rigorously assimilating this morality one can be Muslim but not *mūmin*, points out Qur'an. Only a *mūmin* can transform this world into a just world free of all conflicts and bloodshed.

Islam in History

It is a well-known fact that ideals and religious teachings do not make history. The historical dynamics is a very complex process and at best, is partly determined by religious teachings and ideals. The main factors determining history are motives of historical actors, their interests, culture and social vision, besides religious ideals. Also, no society rises to ethical and moral standards prescribed by religion but drags those standards to its own level.

For example, neither Buddhism nor Christianity could raise society to the level of teachings of Buddha or Jesus Christ. Various interests soon hijack religious establishments to serve their own purpose. Islam met a similar fate. The Arabs too dragged Islam to their own level instead of Arabs rising to the level of Islam. In fact, many pre-Islamic Arab practices came back and even became part of *Shari'ah* in the guise of *adaat* (habit). During Umayyad period, the beginning of the seventh century AD, there was systematic revival of *Jahiliyya* culture (age of ignorance).

The *Jahiliyya* poetry, music and social customs; and traditions reasserted themselves and gradually became part of Islamic culture. Many of these practices were resented by pious Muslims. With the conquests and resultant wealth came luxury, and opulence and ideals were put on the backburner. The Qur'an had stressed need-based living (2:219) and the Prophet of Islam had provided an exemplary model of austere and simple living. However, with some exceptions many of his companions started living in flamboyant style and collected huge amounts of wealth.

Wearing of silk and gold was prohibited for men to ensure simple living. But in the wake of flow of wealth from conquered countries Arabs began to wear costly brocaded attire and gold and silver ornaments. It was for this reason that honest companions like Abu Dharr (Prophet's companion) strongly criticized fellow companions for violating Islamic norms. He recited the Qur'anic verse (9:34) to make his point. This verse warns of painful tidings for those hoarding gold and silver and not spending them in the way of Allah. Since Abu Dharr wanted to see strict Islamic norms enforced, he came to be disliked by

most of the Prophet's companions who had taken to easy life. And Abu Dharr ended up in the desert where he died. His wife had no means even to provide him with shroud and, thus, he was buried in his clothes.

Once Arabs emerged as conquerors, the whole dynamics of Arab society changed. Islam spread to non-Arab areas and now was testing time for the Islamic ideal of equality of all people irrespective of their tribal affiliations, nationality, race and colour or language. However, the practice turned out to be somewhat different from the ideals. The Arab racial arrogance began to assert soon and non-Arabs came to be discriminated against.

Whatever religious ideals, the conquerors are always conquerors. Islam being religion of justice and equality, attracted large number of people belonging to weaker sections of the society and they primarily embraced Islam in the hope to get justice and equality. These weaker sections had suffered intensely at the hands of their earlier masters and came to hate them. They saw Arabs as their liberators and helped them conquer those territories.

Yet, it did not take long for the Arabs to behave as other conquerors and they began to discriminate against non-Arabs. Arabs had always considered themselves as superior to the *Ajam*, i.e., non-Arab people. The Prophet (PBUH) was well aware of this and hence he exhorted Arabs repeatedly to shed their sense of superiority and treat all people equally and the Qur'an also had asserted that all are equal in dignity (17:70) and that all are created equal and their tribal or national differences were only for being recognized (4:13).

But soon this ideal was lost and Arabs began to display their arrogance of being a conquering race and non-Arabs started be-

coming *mawalis* (plural of *mawla* clients, not enjoying equality with the masters). *Kufa* in Iraq emerged as a military camp and Arabs and non-Arabs, mainly *mawalis*, began to live in separate quarters. Umayyad rule was primarily an Arab rule and it deviated farthest from all Islamic ideals. As already pointed out, it was during the Umayyad period that the pre-Islamic (*Jahilliya*) culture was revived and Islamic ideals were slowly discarded.

The Umayyads ruled by sheer force of weapons and did not hesitate to kill Imam Hussain and his 71 relatives and friends who stood by him demanding revival of Islamic ideals and Islamic way of rule. Hussain (AS) was martyred in Karbala, near Kufa in Iraq which had emerged as the greatest centre of military power. The Umayyad seat of power was in Damascus but Iraq was an important military centre.

Now all Islamic ideals were violated with impunity—there was no justice, no equality and no compassion. There was nothing but oppression and exploitation. Kufa emerged as centre for various rebellions, as it was centre of non-Arab clients. About 60 per cent of its population was non-Arab. Mukhtar, who rebelled against Umayyads and made Kufa centre of his power, was mainly supported by non-Arab Muslims.

Again it was Hajjaj, the Governor of Kufa on behalf of Umayyads, who went down as the most ruthless ruler by virtue of slaughtering more than hundred thousand men, and put equal numbers in jail. He was an absolute terror and was hated by the people. The Prophet (PBUH), on the other hand did not shed a drop of blood when he entered Mecca after conquering it and pardoned all his enemies.

The Umayyad rule turned out to be most tyrannical as it had usurped power. The Umayyads were motivated by their selfish

interests and revived Arab culture to assert their superiority. Thus, the hypothesis that religion as an ideal is distinctly different from its history whose dynamics is drawn from self-interests of the historical actors. Of course, the Islamic discourse continued but actions never conformed to the ideals of the faith.

The Abbasid period which followed the Umayyad period was no different in its dynamics. Its founder came to be known as *saffah* (i.e., one who sheds too much blood) because he carried out slaughter of Umayyad rulers and wiped out their entire dynasty. Even infants were not spared and graves were dug up wherein Umayyads were buried. Only one member of the Umayyads Abdur Rehman could escape somehow and founded his rule in Spain.

Since the Umayyads had ruled over non-Arabs ruthlessly, the Abbasid revolution was supported mostly by non-Arab people of Iran and Iranians took their own revenge by slaughtering Arabs settled in part of Iran. Historians have recorded that the Iranian wives killed their Arab husbands. So intense was the hatred of Iranians against Arabs.

The Abbasids were hardly any different from the Umayyads. Though they captured power by projecting themselves as children of uncle of the Prophet, they turned out to be no less tyrants. They persecuted members of Prophet's household (*Ahl al-Bayt*) and saw them as competitors for power. They spread a network of spies to trace and kill them.

The Abbasid period turned out to be a period of enlightenment as the Abbasid rulers took great interest in transferring Greek knowledge and philosophy. So was the case with Indian knowledge and philosophy that were translated into Arabic.

This was the main difference between the Umayyads and Abbasids. The Umayyads' power base was primarily Arab. They were interested only in reviving the pre-Islamic Arab culture and took no interest in non-Arab knowledge.

The Abbasid power base was mainly non-Arab and distinctly Persian that had a long tradition of learning and culture. They helped Abbasid rulers to find house of wisdom (*Dar al-Hikmah*) wherefrom great treasures of Greek and Indian knowledge and philosophy were translated and disseminated. It was during the Abbasid period that various schools of *Shari'ah* law came to be compiled.

It was for these achievements that the noted British historian Toynbee described Abbasid state as the universal state of Islam. But that apart, the Abbasid rule was no less tyrannical and ruthless in crushing their political opponents. It faced several rebellions, especially the Zanj, which lasted for over nine years and shook the foundations of Abbasid empire. The Zanj were African slaves and mostly worked in salt mines. When their exploitation became intolerable, they took to revolt. Similarly, the Qaramita (a sect of Islam) revolt took place during this period, which was more of a communist style peasant revolt.

Thus, such varied events in history have nothing to do with Islam and its teachings. Islam is a religion of justice, peace, equality, compassion and freedom of conscience. But these ideals are not reflected in its history as ideals of any religion are not reflected in the history of those religions.

CHAPTER 2

On the Causes of Violence in Early Islamic Society

There is great deal of misunderstanding about place of violence in Islam. It is generally thought that Islam teaches its believers to use violence against non-Muslims and thus it legitimizes violence to promote itself. Nothing can be further from truth. Islam is far from being a violent religion. Its basic aim is to promote justice and peace and establish a just, non-exploitative and humane order. It denounces exploitation of one human being by the other and believes in equality of all human beings—believers or non-believers. It teaches human actions to be based on peace (*salam*), compassion (*rahmah*), benevolence (*ihsan*) and wisdom (*hikmah*).

Such a religion cannot preach violence against others, including *kafirs*. Before we proceed further, it is important to note that the word *kafir* has also been much misunderstood and much misused by certain Muslim theologians. The Qur'an uses this word very carefully and in a definite sense. However, in Islamic

history this word has been often used loosely, carelessly and for denouncing rivals among Muslims, more than against non-Muslims. Had it been used strictly in the sense in which it has been used in the Qur'an, much bloodshed and conflict could have been avoided.

Qur'an uses the word kafir for those Meccans who not only refused to believe in the message brought by the Holy Prophet but also turned hostile and used violence—both psychological and physical—against the Prophet (PBUH) and his followers. It was not only the question of worshipping idols that qualified them to be kafirs but their rejection of entire value system of Islam (i.e., values like justice, compassion, non-violence, peace, truth, equality and human dignity and sensitivity to others suffering).

As for idol worshipping was concerned the Qur'an, though against it, had allowed the kafirs to do so (see chapter 109) as a matter of freedom of conscience. Idol worship was not the only criteria for *kufir* (non-belief), it was rejection of these values to constitute a humane society. Not only this, these powerful tribal chiefs and their supporters severely persecuted the Prophet for preaching unity of God, His creatures and bringing about a humane social order.

In Arabia and outside Arabia, people followed their respective religions (either religions of the books like Torah and Bible or their traditional religions) and did not accept Islam. Even Muslims never insisted on their accepting Islam, let alone persecute them for doing so. They were left to follow their religions. The Prophet (PBUH) himself allowed, for example, Zoroastrians of Bahrain, to follow their religion and entered into a pact with them as people of the book (*ahl al-kitab*). Uthman, the third Caliph after the Prophet, even accepted Berbers as *ahl al-kitab*

though they had no revealed scripture and were following traditional religion.

It is also very interesting to note that the Qur'an, the revealed word of God, does not prescribe violence against the kafirs unless they use violence against Muslims. Thus, we find in the Qur'an in verse (2:190) that:

“And fight in the way of Allah against those who fight against you but be not aggressive. Surely Allah loves not the aggressors.”

This verse makes three important points. First, the fight must be only for Allah and not for personal reasons (revenge or aggrandisement); second, one should not initiate the fight but should fight only if attacked and three, one should not persist in fighting and become aggressor once the other party lays down weapons and sues for peace. Allah does not love aggressors.

If one keeps this in mind, it becomes clear that the Qur'an, the main source of Islamic teachings, does not sanction violence but permits it for self-defence and in certain well defined circumstances and with rigorous conditions. It nowhere sanctions violence for spread of religion or any other religious purposes. It upholds the principle of freedom of conscience as propounded in the verse (2:256) and never deviates from it.

Thus commenting on verse (2:193) Maulana Muhammad Ali of Lahore comments as follows:

“When persecution ceases, and men are not forced to accept or renounce a religion, being at liberty to profess any religion of the truth of which they are convinced, then there should be no more fighting. The words that follow make the sense quite clear. If they desist from persecution, the Muslims are at once to stop fighting against them, and hostilities are not to be continued against any except the aggressors.” (*Holy Qur'an*, Lahore, 1973, p 82)

The Maulana further points out that:

“A comparison with (22:40) will show that this is the correct explanation. There the object of the Muslim fights is plainly set forth in the following words: ‘And if Allah did not repel some people by others, cloisters and churches and synagogues and mosques in which Allah’s name is much remembered would have been pulled down’. This shows clearly that the Muslims fought not only in defence of mosques, but also in that of churches and synagogues, and even of the cloisters of monks. The same object is stated here in the words religion is for Allah, so that there is no persecution on the score of religion, and everyone is at liberty to hold any belief which he likes. The verse, in fact, lays down the broad principles of religious freedom.” (ibid)

Thus it is quite clear that Qur’an in no way permits violence for suppression of religious freedom; it is quite to the contrary. It permits violence even if others religious freedom is in danger. Freedom of religion and freedom of conscience should be defended and should not be allowed to be endangered. If it is in danger such a situation is referred to in verse (2:193) as *fitnah* (persecution). Persecution in every form should be ended and hence only a just and peaceful society could be established.

II

Often comparison is made with Buddhism or Christianity and it is concluded that while these religions are advocates of peace, Islam promotes violence. It is very mistaken view as violence or absence of it is ascribed to religion rather than to circumstances in which a religion comes into existence or spreads. Islam, if one goes by teachings alone, is as peaceful a religion, as Buddhism or Christianity. The violence is not borne

of religious teachings but from circumstances. This is what is most important to understand. People often confuse violence present in a society for various reasons with violence produced by religious teachings.

Let us examine this further. The beginnings of Buddhism and Islam are very similar but circumstances are very different. Buddha was highly dissatisfied with conditions around him. He was greatly disturbed by the sufferings of people around him. He left his house, his family in search of truth, in quest for solution. He spent number of years reflecting, brooding and meditating and came out with his eight-fold path and the values he considered most fundamental, values like compassion and sensitivity to suffering and ways to remove *dukkha* (suffering).

He began preaching his doctrines among the people and did not meet with strong resistance, nor was he persecuted by powerful vested interests. He was wandering monk and did not stay at one place. He did not confront any religious establishment or political power. He did have religious debates with those who upheld certain Vedic practices but faced no persecution. Thus his circumstances were very different from those of the Prophet. As the Buddha did not face violence while preaching he did not refer to permissibility or otherwise of violence.

The Prophet of Islam too was greatly disturbed by what he saw around him in Mecca. There was malaise all around, suffering of weaker sections of society, slavery, maltreatment of women, absence of any higher spiritual goal and corrupt religious practices like superstitions and exploitation in the name of religion, *kahins* (priests) enriching themselves and worshipping idols as God and asking them to solve their problems.

Like the Buddha, the Prophet (PBUH) began reflecting deeply over this malaise in a cave of Hira, outside city of Mecca on a rugged mountain (now known as Mount of Light—*Jabal al-Nur*). He spent great deal of time reflecting and meditating and Truth was revealed to him. He came from Cave of Hira with revelation, which continued for next 23 years until he died. Now he was spiritually enriched man and a man with a message from Allah.

But unlike the Buddha when he began to preach his message he met with stiff resistance from powerful tribal chiefs who took pride not only in their tribal and social status but were arrogant of their wealth which they had acquired from international trade. Their arrogance knew no bounds. They were all the more disturbed as the Prophet Mohammad, though belonged to the clan of Hashim, a branch of tribe of Quraysh, which enjoyed highest social status but was orphan and poor. How can an orphan from a poor family claim to be the Messenger of Allah and teach them spiritual values.

Not only their pride was hurt but they were greatly disturbed since he sided with the poor and exploited sections of society and attacked accumulation of riches and warned them of dire consequences (chapter 104). He also talked of giving their slaves a dignified place in society. This was not acceptable to them at all. They considered it an attack on their social status and social hierarchy. He also opposed all their superstitions and laid emphasis on reason. This was totally unacceptable to the Arabs of Mecca. It went quite contrary to their customs, traditions and practices. Above all the Prophet's teachings challenged the vested interests of tribal leaders.

They failed to persuade the Prophet to stop preaching his religion. When he could not be dissuaded they began persecuting him and using violence against his followers. It is also important to note that violence was thought to be quite legitimate in pre-Islamic Arabia. There were long drawn wars between different tribes and violent retaliation was an accepted practice. Many tribes outside Mecca (Mecca was an urban area and had developed its own traditions) raided each other for their own sustenance. It was the only means for their sustenance. Thus the pre-Islamic Arab society was quite violent one and violence was thought to be quite legitimate instrument of settling scores. Neither there was any government nor any rule of law nor any legal corpus.

It was Islam which first gave the concept of law and governance. In pre-Islamic period violence was the only instrument for having ones way. Thus the Prophet of Islam had to deal with this situation. Violence was in the air and no one could avoid violence. The concept of non-violence simply did not exist. As there was no ruler, no governmental authority only tribal customs could be invoked to settle disputed matters and tribal customs fully approved of violence.

The Prophet had very limited choices. He tried non-violent resistance while in Mecca but violence was so thick in the air that it did not have any impact on the tribal leaders and powerful vested interests. Unable to bear persecution he sent away some of his followers to Ethopia with whom Meccans had trade relations. The King of Ethopia was impressed by the teachings of new religion and its closeness to Christianity (The chapter 19 of the Qur'an on Mary was recited before him which greatly impressed him and he granted these Muslims refuge in his kingdom.

But those who remained in Mecca continued to be severely persecuted and a plot was hatched to assassinate the Prophet. On learning of this plot the Prophet migrated to Yathrib which was renamed Madinatun Nabi (city of the Prophet) but properly known as Madina. He had received good response from people of Madina many of whom converted to Islam and had promised him to help. For this reason, the people of Madina were known as Ansar, i.e., helpers.

III

In Madina too the Prophet could not rest in peace. Though he entered into a covenant with all tribal leaders of Mecca, Muslim, Jew as well as pagan giving them full freedom to follow their respective religions but to defend Madina, if attacked. The Jews however, quite apprehensive of the rising power of Muslims and began to secretly conspire with the tribal chiefs of Mecca to attack Madina. The Jews had established their leadership in Madina and had become quite influential and benefited from internecine wars of non-Jewish Arab tribes. Tired of Jewish moves to make them fight these Arab tribals had invited the Prophet to Madina to make peace between them. The Prophet brought peace and united them. This endeared the Prophet to the Arab tribals of Madina.

The Prophet, however, was quite apprehensive of the Meccan moves to attack Madina and he kept vigil and sent his men to keep watch on Meccan trade caravans. The battle of Badr was the first battle fought between Muslims and Meccan unbelievers. Though there is lot of controversy as to who attacked first but

if we go by the Qur'anic verse (2:190) the Muslims must have attacked only to defend themselves.

Thus, the Meccan unbelievers were keen to humiliate the Prophet in Madina too so that he and his followers did not emerge as a force. They feared Islam on two counts. Firstly, because its teachings were based on justice, compassion, taking care of weaker sections of society, giving women an honourable position, equality of all human beings, including of slaves and non-Arabs and the Meccans disliked these teachings as they thought Arabs are superior to all other, particularly the Quraysh of Mecca and they were not ready to accept any other code of conduct except their own. Secondly, they thought if Muhammad (PBUH) succeeds they will lose their hegemony.

Thus, the Meccan Arabs would not leave Prophet in peace. Prophet did his best to promote peaceful settlement as the peace of Hudaibiyah also shows very clearly. The Meccans would not let him perform Hajj and the Prophet did not want to use force although he had more than 10,000 followers with him. The Meccans would not even agree to an honourable settlement. The Prophet could have used force but did not do so and accepted peace even on humiliating terms. His own followers opposed peaceful settlement on such humiliating terms but the Prophet persisted and signed the peace pact. The Prophet wanted to make peace as a norm and violence an exception.

However, any individual, no matter how morally powerful and influential, is unable to control the given circumstances and placed in a situation the Prophet was placed in. The violence was there all around him and he had to survive in those given circumstances. Also, the Arabian peninsula was surrounded by powerful

empires like Sassanid and Roman empires. Islam was feared by all those who saw real threat in its moral teachings, teachings of equality of all and discrimination against none. It was seen as empowering the weak, the oppressed and exploited.

Islamic teachings were highly subversive for the powerful establishments based on exploitation and oppression. It wanted to make the weaker sections of society the leaders and inheritors of earth (28:5) and Islam wanted to bring about this revolution in most peaceful manner. Islam did not approve of feudal ownership of land. The Prophet wanted land owned only by tillers. He made it obligatory for rich to pay *zakat* (poor tax, also called *zakah*) to meet the basic needs of the poor and needy. Such a concept was not acceptable for feudal lords and their hangers on. Also, on the other hand, the rich merchants of Mecca were not ready to spend their wealth for the poor and needy.

In Mecca, as pointed out before, there was no legal governing authority and hence no taxes. They were thus not ready to pay any tax to any authority. Islam demanded that and made that obligatory. Such a concept was totally alien to them. It is also proved by the war of *riddah* (war on those going back on Islam). After the death of the Holy Prophet, some tribes refused to pay *zakat* and declared that if *zakat* were made obligatory on them, they would rather turn away from Islam. Abubakr, the first Caliph, did not agree to this and a fierce war was fought between the Islamic government and the rivals refusing to pay *zakat*.

It is important to note that *zakat* was highly desirable tax for removing poverty from the society and was meant to bring about redistribution of wealth in society. It was to be spent on poor and the needy, the captives and those in debt, for wayfarers and in the way of Allah (see 9:60). Thus, it is meant for all weaker

sections of society. In early seventh century, no government was levying such tax for the weaker sections of society and no one was prepared to accept such a thing.

Islam gives primary importance to justice and all governments of time were based on injustice and exploitation. Islam was also trying to change the existing power equations in society—power to impoverished and powerless. The powerful resisted this with all their might. Also, the powerless began to test power and organised themselves better to retain their power. And it is human psychology that when powerless becomes powerful they use violence with as much ferocity, or perhaps with greater ferocity. Thus changing power equations in a changing society develops its own dynamics in power struggle.

All this we witness in the early Islamic society in the post-prophetic phase, i.e., after the death of the Prophet. Thus, violence in early Islamic society was not due to the Qur'anic teachings but because of new power equations coming into existence in the early Islamic society. New vested interests began to develop in this new society and these powerful interests began to use violence to seize power.

In this power struggle more Muslims were killed by Muslims themselves than by non-Muslims. Even the Prophet's own grandson was not spared. He refused to accept authority of those who seized power in an unjust manner and was martyred in Karbala on 10th of Muharram along with his close relatives and friends. We will throw more light on this civil war among Muslims in early Islamic society in another paper.

What we intend to emphasize here is that the Prophet wanted to establish a just, peaceful and non-exploitative society in which all human beings, without distinction of low and high or of

sex or of Arab and non-Arab could live in peace and harmony. However, vested interests both inside and outside the Islamic society did not allow it to happen and most organised and sustained efforts for the first time in history to bring about social and economic justice came to a tragic end.

In no society, as long as there are powerful vested interests, and no society is free of that, social transformation can be brought about peacefully. Vested interests sabotage all such efforts violently and peace remains only a dream. So it happened in Islamic society.

IV

In part I of this article, we threw light on why there was so much violence when the Holy Prophet, who is described as the “Mercy to the World” (Rahmat lil-‘alamin) was basically committed to peace. We have shown that Islam was the first and most systematic attempt to establish a just society in the history of humankind and thus violence was unavoidable. When you try to establish a just society you hurt the interests of powerful forces of exploitation and oppression and they use violence, if needed, with brutality and ferocity.

The Prophet had to face violence consistently from enemies of Islam who were out to sabotage establishment of a just society in Arabia. The kuffar did not oppose the Prophet only because he attacked idol worship and preached tawhid i.e., unity of Allah but much more because he emphasized social justice. ‘Adil (justice) is a key word in the Qur’an along with ihsan, rahmah and hikmah. These values are very important in Islamic ethics; in

fact so important that these are also Allah's name in the Qur'an, i.e., Allah is Just, Allah is Benevolent, Allah is Compassionate and Allah is Wise.

The Vested interests in Mecca wanted free hand to exploit their own people and wanted to keep themselves free of an moral or ethical obligations. As we know there was no state structure in Arabia of the Prophet's time and the tribal leaders were completely free to take their own decisions and enact them in their interests. If Islamic system was established, they would have been subjected not only to moral and social obligations but also to a governmental system on the basis of laws enacted in keeping with the Islamic teachings.

But these tribal leaders did not want them to be subjected to any such obligations or laws and resisted attempts of the Prophet very violently. Since the Prophet had migrated to Madina, away from the clutches of the powerful tribal leaders but they did not leave him in peace in Madina either. They were afraid if the Prophet succeeds in establishing such a system in Madina it is bound to influence Meccan society as well. Thus, Madina was attacked and the prophet had to fight against the Meccan forces.

The Prophet had entered into a covenant with various Jewish and other tribes in Madina giving them complete autonomy to follow their religion, customs and traditions and thus created a political community. The terms of this covenant were most liberal but the Jewish leaders resented the emerging community of Muslims based on religion of their own and though they signed the covenant, they looked for opportunities to wreck it, if possible, with the help of Meccan leaders. And

they got the opportunity when the Meccan leaders attacked the prophet and his followers. The Jewish leaders did not fulfill their obligation to defend Madina along with Muslims as per the terms of the covenant.

The Jewish leaders secretly conspired against the Prophet and his followers. Thus conflict arose between the Muslims and the Jews, which could not be resolved peacefully. Thus Muslims and Jews fought and Jews ultimately lost out. Hence, the conflict between the Jews and Muslims was not of religious nature. The Prophet had given them full freedom to follow their religion. But what they resented was ascendance of Muslims and taking control of situation. Thus, violent conflict became unavoidable between Jews and Muslims of Madina.

V

The Islamic society in the period after the death of the Holy Prophet also had to face many challenges and could not remain peaceful as ideally desired. We would like to discuss in this paper the causes of violence in Islamic society after the death of the Prophet. An attempt will be made to analyse the situation that developed after the Prophet was no more.

We have to keep this in mind that the Islamic society then was continuously in throes of change and was, in fact, fast changing. It was most dynamic society. Violence erupted in that society both for external and internal reasons. No society can ever change peacefully as these changes also bring change in power equations among countries, tribes, castes and classes. The Arab society in Mecca in pre-Islamic period was in throes

of change. Islam gave this change a definite direction, which was moral and ethical.

In pre-Islamic period it was urban society of Mecca which was mainly affected by socio-economic changes taking place but the Bedouin society was by and large unaffected. But Islamic revolution was far too wide in its implications. It took entire Arab society in its sweep. And soon its repercussions were felt even outside Arabia during Prophet's own time. Thus Islam brought about total change of equations. The old tribal relations were replaced by the concept of Muslim *ummah* (community). It was totally a new concept for a tribal society transcending all tribal barriers.

Also, tribal autonomy was completely shattered. The focus of power shifted from tribe to a much wider community, which soon embraced even non-Arabs. It was no ordinary change and such a change could not take place peacefully by any stretch of imagination. Quraysh was acknowledged as superior in power and material resources in the Arab peninsula. And it is for this reason that when question of successor to the Holy Prophet assumed controversy, it was proposed that the successor could only be from the tribe of Quraysh.

Such a doctrine militated against the concept of *ummah* or Islamic brotherhood and equality of all believers, yet it was proposed by members of the Quraysh tribe and was accepted as still the centre of gravity of power in Arabia resided in the Quraysh. This also ultimately became a potential source of violence and we will throw more light on this later. Thus the nascent Islamic society faced fast changing equations of power. This became a powerful source of internal violence in the Arab society.

VI

As pointed out above the Islamic revolution took entire Arab society in its sweep with far reaching implications. Before Islam the Bedouin society outside urban areas of Mecca and Madina survived by inter-tribal raids called *ghazwa*. There was no source of agricultural production in vast expanses of desert and most of the tribes survived through these raids. But now tribal raids were no longer possible as a wider community transcending these barriers came into existence. When internal source of survival dried up, one had to look for certain external sources.

And this source was not far to seek. Islam had united these tribes into an ummah under one banner and they could march towards what was then known as Fertile Crescent. There was also pressure on limited sources of Arabia from the South. The famous dam in the Yemen known as Ma'arib was breached a couple of hundreds of years before Islam and the Yemen lost its primacy in rich agriculture and the people began to migrate towards north for better resources.

The Arabs divided into innumerable tribes and internecine struggle could be no match for the powerful empire either of Rome or Sassanids. The Fertile Crescent was a great source of attraction for the Arabs under constantly increasing pressure on scarce land resources in the south and Southeast Arabia. But they could not take on the might of the Romans, divided as they were in mutually feuding tribes.

Now they were united under the banner of Islam and could march towards the Fertile Crescent. It was not only unity but also they were armed with a cause—to take the message of Islam to other peoples. It is also important to note that there were

Christian Arabs on the border of Roman and Sassanid empires. These Christians were Monophysites and formed buffer between the Romans and Muslim Arabs. But these Monophysite Christians were highly oppressed at the hands of the Romans belonging to a different sect of Christianity.

These Monophysites were also looking for someone to liberate them from the oppressive Roman regime and the Arabs were looked upon as liberators by them. These Arabs did not impose their religion on this 'heretical' sect of Christianity nor they imposed heavy taxes like Romans. Thus these Arabs became liberator for them both in religious as well as economic sense. They enthusiastically supported these Arabs in fighting the Roman forces, which they could not have taken by themselves.

Thus, initial invasions by Arabs of Roman empire had socio-political dynamics of their own. These invasions became liberative for the Monophysite Christians who were also Arabs and also it provided much needed land and economic resources to the Arabs from the South. It became much easier for these Arabs to defeat powerful forces of Roman empire with the help of the these Monophysite Christians constituting the buffer state.

Looked at from any perspective, these invasions were certainly of liberative nature. The Romans were after all colonial power and were highly exploitative and oppressive. These Arabs, it is important to note, were not even properly armed vis-a-vis the most sophisticated and powerful army of the Romans (or the Sassanids on the Eastern border) and yet armed with revolutionary zeal provided by Islam they could defeat them. In ordinary circumstances, it was impossible to defeat the Romans. Thus Islam began to spread beyond the limits of Arabia.

It should however, be noted that the intention was not to spread Islam or force Islam on these people. All the treaties entered into by the Muslims with the conquered people, which we find in the classic work of al-Baladhuri *Futuh al-Buldan*. There is no mention in these treaties, of converting anyone to Islam. Islam spread in these areas slowly and steadily for various other reasons. People were left to themselves. The conquering forces negotiated only for *jizya* (tax imposed on non-Muslims). All these treaties mention how much *jizya* will be paid both in cash and kind. It is also important to note that the *jizyai* was negotiated and not unilaterally imposed and that it was much lighter than the taxes imposed by the Romans or Sassanids.

Thus, the wars in the earliest phase of Islam after the death of the Prophet were part of very complex situation obtaining in and around Arabia. There were external and internal compelling factors. The internal situation in Arabia put pressure for outward movement and the situation on eastern and northern borders of the Arabian desert was inviting the newly organised Arabs charged with a revolutionary ideology to liberate the Sassanid and Roman occupied parts. The outward thrust of the Arabs was, initially at least, quite liberative.

VII

However, like other wars of liberation, these wars also had far reaching consequences on the internal situation of the Muslims. The conquests created forces, which had their own dynamics. The Arab tradition, also upheld by Islam, permitted war booty called *mal-e-ghanimat*. Since the wars on both eastern and northern fronts were fought with the two great empires of the

town they yielded very rich booty. The booty, as per the tradition, was distributed among the soldiers and one fifth of it was deposited in state treasury known as *bait al-mal*.

This naturally led to accumulation of wealth—something, strongly denounced by the Qur'an. Even some of the senior companions of the Prophet came to possess great deal of wealth. Ibn Khalladun, the noted 14th century historian and sociologist has described the amount of wealth some of these companions possessed. He has quoted this from *Tabqat ibn Sa'ad*. Talha and Zubayr, the two companions of the Holy Prophet, for example, possessed so much wealth that silver and gold had to be collected with spade on their death. It was this accumulation of wealth, which led another senior companion of the Prophet, Abudhar Ghifari, began a campaign against accumulation of wealth by some companions by reciting the verse (9:34) denouncing accumulation of wealth.

Thus it will be seen that new contradictions were emerging in the Islamic society of Mecca and Madina which led towards internal conflict. The Qur'an, as pointed out above, led great stress on establishing a just society and these conquests were creating forces which brought the concept of a just society under severe pressure. And it is these forces which ultimately led to conditions of civil war in which thousands were killed in the period of thirty years after the death of the Holy Prophet.

VIII

It is seen in the history of all social revolutions that with the passing away of first generation of those who participated in revolutionary movement the sense of commitment to

revolutionary values becomes a secondary thing and struggle for power primary. Islamic society could hardly escape this fate. With more wealth and affluence on one hand, and, expansion of territories on the other, power struggle became primary objective for many among the Muslims.

Also, with new territories conquered, more and more non-Arabs began to embrace Islam and soon these non-Arab Muslims and Arab Muslims outside Island of Arabia outnumbered the Arab Muslims from Mecca and Madina and its immediate environs. Many outside Mecca and Madina, mostly non-Arabs, embraced Islam. Many of these who embraced Islam were from low social origin, as Islam did not make any distinction between Arabs and non-Arabs and people of low or high origin. But in practice these distinctions remained and created contradictions in Muslim society.

Much of the conflict in early Muslim society originated in fast changing sociological composition of Islamic society. Now there were three distinct groups, Muslims claiming share in power and other material resources. Dr Taha Hussain of Egypt has given detailed description of these contending Muslim groups in his book *Fitnat al-Kubra* (The Great Insurrection). This book is full of insights into early Islamic society and the struggle within it, which caused so much conflict and violence.

It would be interesting to throw some light on these contending groups in order to understand the causes of this great insurrection. One group was of the Quraysh who were more advantageous position in as much as the first group of Muslims came from the tribe of Quraysh. This tribe, as pointed out earlier, was most influential and most experienced tribe in matters of diplomacy and international affairs. Many from this tribe had

not only refused to embrace Islam but had severely persecuted the Prophet and his followers forcing them to migrate to Madina.

But all Qurayshites, including the worst enemies of Islam, embraced it after the conquest of Mecca. Of course, among them also there were those who had made great sacrifices for the cause of Islam and had stood worst kind of persecution. On the death of the Holy Prophet, the Quraysh claimed right to succession and rejected the claim of Ansars, i.e., helpers of the Prophet from Madina saying that *nubuwwah* (prophethood) and *khilafah* (succession) should reside among the Quraysh.

When Ansar who belonged to the tribes of Aws and Kahzraj of Madina said that we have helped the Prophet and should have share in power and let there be one from you (i.e., from Quraysh) and one from us (i.e., Ansar) this was not accepted. However, many Ansar were given high position in the administration to remove their discontent. In fact there was problem within the tribe of Quraysh too which split Muslims into two sects, i.e., Shi'ahs and Sunnis. The clan of Hashimites within the tribe of Quraysh was also brushed aside and Ali, the son-in-law of the Prophet became the fourth Caliph though the Shi'ahs maintain he was the rightful claimant appointed by Holy Prophet himself.

The children of Ansar, the second group who came of age during the period of third Caliph Uthman also began to nurse the grievance that justice was not done to them. The historians of early Islam tell us that the Umayyads, one of the clans of tribe of Quraysh, had taken major share in the higher administrative posts during the time of the third Caliph Uthman. Thus, Ansars and Hashimites felt completely sidelined by the time of Uthman.

The third group was of new entrants in Islam from the conquered territories who were mostly non-Arabs in origin and had client status (called *mawla* in Arabic). They embraced Islam hoping for equal treatment as the Qur'an refers to all believers as *ikhwan* i.e., brothers of equal status. Islam had laid great stress on brotherhood of all believers irrespective of their tribal, racial, national or social origin (30:22). This emphasis on equality had attracted large number of non-Arabs towards Islam.

But soon they discovered that in practice Arabs and Arabs of Quraysh tribe were more than equal. This caused lot of discontent among these new entrants to Islam and they rose in revolt during the time of Uthman, the third Caliph. The early Islamic society was rocked by inequalities created in the society by new forces which came into existence with quick conquests of vast territories within few years of the death of the Holy Prophet. Now no ruler, howsoever just, could control these forces of inequalities.

Ali, who was elected fourth Caliph, was very close to the Prophet and had imbibed values of Islam and was known for his strong commitment to these values. Thus the insurrectionists, knowing his commitment to Islamic values almost forced him to assume the responsibility of governing the vast Islamic Empire which was in a state of great turmoil. The insurrectionists had murdered Uthman, the third Caliph, while reciting the Holy Qur'an. Ali knew it would be very difficult to control these forces which had caused the insurrection. However, he ultimately agreed to take charge as there was no one around who could really deliver impartially.

By the time Ali took over another discontented group had come into existence known in Islamic history as *Khwarij* (seced-

ers). Seceders were mostly of Bedouin origin for whom urban governance made no sense and were more for equality of all believers and refused to submit to any urban government. They deserted Ali at a critical stage when he was about to register victory over Mu'awiyah who belonged to the Umayyad clan and refused to accept Ali as the rightful Caliph of Muslims. He established his parallel regime in Syria and raised banner of revolt against him.

Ali's strong commitment to Islamic values of justice and equality was not acceptable to those powerful vested interests who came to control vast amount of wealth and power. Now the Islamic society was no more a simple society of early period. Now one had to contend with great power, which many Muslims acquired. Umar, the second Caliph had followed very wise land policy. He had not allowed private ownership of the conquered lands and forced many senior companions of the Prophet to return to Madina and not to settle down in conquered lands except few. Uthman, the third Caliph, under great pressure, yielded and allowed rich fertile land to be exchanged with the land in Mecca and Madina thus bringing into existence powerful landed interests.

Now one had also to contend with these new landed interests to restore peace and justice in a society torn by conflicting interests. Ali tried his best but could not succeed as these powerful interests became law unto themselves and their interests were hurt by the policies of justice and equality followed by Ali. He refused to compromise on these Islamic values and himself became victim of violence. These powerful interests conspired to eliminate him so that they could have free hand to govern in their own interests. Maulana Maududi in his book *Khilafat aur Mulukiyyat* has

thrown detailed light on transformation of Islamic institution of *khilafah* into *mulukiyyat*, i.e., hereditary kingship.

Ali was assassinated by these forces while praying in the mosque early in the morning in Kufah whereto he had shifted the capital from Madinah. His son Hasan took over the reigns of governance but had soon to yield to pressures from Mu'awiyah who had revolted from his father. Imam Hasan had agreed to step down on certain conditions one of which was that after Mu'awiyah, the question of *khilafat* will be left to Muslims and that he will not nominate his successor.

Unfortunately Mu'awiyah violated this condition and nominated his son Yazid to succeed him. This was the beginning of transformation of *khilafat* to *mlukiyyat*. It was not only the violation of condition on which Imam Hasan had abdicated in favour of Mu'awiyah but violation of the very revolutionary value system of Islam. Yazid had no commitment to Islam at all. He was born of a Christian mother and was given to 'good things' of life. There was hardly any teaching of Islam he did not violate, or even ridicule.

Imam Husain, the younger son of Ali and himself an exemplary Muslim brought up in the Alid tradition of justice and equality, refused to accept Yazid as legitimate Caliph of Muslims and preferred to give his head rather than his hand of support in the hand of Yazid. Thus he laid down his and his near and dear ones lives for the sake at keeping Islamic evolution alive and is gratefully remembered by all Muslims' as the greatest martyr of Islam and is referred to as Saiyyid al-Shuhada', i.e., leader of martyrs. The Imam fought for defending Islamic values while

Yazid committed aggression against him to defend his illegitimate power.

We have here thrown some light on the causes of violence in early Islamic society to show that violence was not result of teachings of Islam but far from it. Violence erupted in early Islamic society because new forces which came into existence tried to derail the Islamic value system which would have proved great boon for the mankind. Islam was the first systematic attempt to bring a just society into existence in the history of mankind.

CHAPTER 3

Liberative Theology

Islam came into existence in circumstances which were crying for liberation. The society was tribal in nature. Laws were non-existent. There were no signs of social, political and economic institutions. People were steeped in superstitions and there were not more than 17 persons who could read or write.

Women, like in other societies of the time, enjoyed no respectability, dignity or status. Though throughout Arabia condition of women differed, generally their situation was far from satisfactory. Often a girl child was buried alive. Women did not enjoy rights. Men could divorce them at will and could even pronounce triple divorce in one go and throw the woman out of the house. In some parts of Arabia even polyandry was practised.

Slavery was widespread and slaves had no rights at all. They were generally maltreated. The Master exploited slave-girls as a matter of right and even used them for prostitution. The

plight of slaves was worse in Mecca, where they were used for loading and unloading camels carrying luxury goods for trade across desert to parts of Roman Empire towards North and North-west.

While the poor, orphans and widows were treated shabbily, tribal leaders were busy in reckless accumulation of wealth. Being in a state of transition, the city was experiencing a great social upheaval. Channels of protest were absent. Old tribal structure was breaking and new socio-economic situation emerging. But the society lacked corresponding economic, political, cultural and spiritual institutions. The old institutions were totally out of place and thoroughly inadequate to meet new challenges.

The Prophet of Islam, a sensitive soul to others' sufferings, himself was an orphan and had the first hand experience of the suffering and social and spiritual malaise then existing in Mecca. He retreated to a cave and began reflecting on the given situation. He began to receive revelation, which was not only spiritual but also designed to address people's problems.

The Meccan revelations were spiritual as well as socio-economic in content. It emphasized values of '*adil* (justice), *ihsan*, *rahmah* and *hikmah*. These values, though not totally unknown in Arabic society, were hardly emphasized, let alone practised. The Qur'an laid emphasis on these values and made them the very basis of reconstruction of new society. Islam created concept of a new human being—a *mu'min*, who would base her/his character on these values. Such a new human would be a liberated human being.

The revelatory message received by the Prophet was liberative at various levels—spiritual, social and economic, and created

new institutions, which formed the basis of this comprehensive liberation. Since these values and institutions, based on these values, were highly detrimental to the vested interests dominating the Meccan society, they opposed the new movement tooth and nail.

Islam came with a liberative message at different levels. Its first liberative level was spiritual. However, the spiritual was not devoid of social. If one accepts concept of one God transcending all tribal barriers, it would result in shift of power from tribal leaders to the giver of this message, namely the Prophet of Islam. The tribal leaders, who controlled all levers of social, economic and political power, were not ready to accept this shift of power from them to the Messenger of Allah.

For a tribally fragmented society of Arabs, *tawhid* was quite revolutionary. It had great potential of transcending all tribal, national, racial and geographical barriers and establishing a universal society free of all prejudices of tribe, race, caste, ethnicity, language and colour. And, the Qur'an indeed gave this message of unity of all human beings in different ways, see verse (49:13). According to this verse, human beings have been created as different tribes and nations so that they could be identified and not for permanent division. Also, it made it clear that all human beings have equal honour (17:70). Whatever one's nation, caste, colour or tribe, all have equal dignity.

This was indeed a revolutionary message of equality of all human beings and effective tool to demolish all barriers. No wonder then the tribal leaders in Mecca strongly resented this social shift in power from tribes to new human community and not only opposed but also persecuted him and his followers.

The very first revelation to the Prophet emphasized reading and acquisition of knowledge (96:1). As pointed out above, there were only 17 persons among Arabs of Mecca who could read and write. Knowledge is great liberator and the Qur'an repeatedly talks of '*ilm* (knowledge). Allah is also repeatedly described in the Qur'an as '*Alim, Allam* (Knower or Great Knower) and people are exhorted again and again to learn and to acquire knowledge.

Thus, learning and knowledge became the keel of Islamic culture. The Muslims not only developed their own knowledge based on Qur'an and *Hadith* (the Prophet's sayings and doings) but also revived forgotten knowledge of the Greeks, Persians and Indians which happened to be the ancient centres of learning. They produced great philosophers and scientists in the first six centuries of Islam. Thus, not only Arabia but also other parts of the world which were living life of ignorance and superstitions were liberated and new civilization based on spiritual and, philosophical and physical sciences was created. It gave much needed light to the world.

The Qur'an brought about liberation on another plane, not only for the Arabs but for the entire humanity. It tried to rid the society of prevailing social and religious superstitions and taught them importance of reason '*aql*. In Mecca, due to ignorance and tribal customs, many superstitious practices were prevalent. People prayed to various tribal gods and goddesses and wove fabric of blind faith around them.

The concept of one God and universal dignity of human beings with the power of reasoning helped break this unusual hold of superstition on the minds of people. The Qur'an at-

tacked blind faith in these superstitions and emphasised the need for reasoning and reflection (*ta'aqqul* and *tafakkur*). The story of Prophet Abraham and his conversion from a superstitious worshipper of stars and idols, small and big to a worshipper of one God, effectively brings out need for reasoning in Qur'an.

This emphasis on reasoning and faith encouraged Muslims to observe phenomenon of this universe and reflect on its creation and creator. It also emphasized unity of creation and laws of creation. It tried to demolish various superstitions by emphasizing that laws of nature do not change (35:43). People normally expected God to favour them and alter natural laws for them. The Qur'an maintained resolutely that Allah did not change laws of nature to favour any one. This is the basis of science. Laws of nature do not change for any individual and study of these laws brings about scientific progress.

Thus, the Qur'an liberated man from various superstitions and laid down foundation for sound rational thinking. This, however, could not last long. Superstitions soon returned to Muslim society. Reasons were many. Poverty, illiteracy and backwardness are a few of them. It is generally poorer and weaker sections of the society that embraced Islam thus dragging it to their own level, rather than rising to the higher rational and spiritual levels of the Qur'an.

Another level of liberation is liberation from poverty, oppression and injustice bringing about just distribution of wealth. The Qur'an showed great sympathy for weaker sections of society and attacked accumulation of wealth at the cost of the suffering of others. The Qur'an says Allah is with weaker sections of society (see 28:5). Oppression and exploitation (*zulm*) is

strongly condemned by the Qur'an. *Zulm* literally means darkness implying thereby that exploitation and oppression leads the world to darkness.

Similarly, the Qur'an lays great emphasis on '*adil*'. Justice is fundamental to Qur'an. This includes economic as well as distributive justice. The most disturbing aspect of early Islamic movement in Mecca, as far as the powerful tribal leaders are concerned, was Qur'anic attack on accumulation of wealth. Qur'an powerfully denounced accumulation of wealth in chapter 104, on Mecca. Such verses greatly perturbed the Meccan leaders.

For them to accept the Prophet's denunciation of accumulation of wealth amounted to self denunciation. Also, it would have meant distributing their wealth to the needy. Due to accumulation of wealth social tensions were on the increase.

Also, there was no government to tax the rich and bring about redistribution of wealth. Not only that, tribal leaders were neglecting their own tribal norms, indulging in ostentatious life. Such ostentatious life-style further exacerbated social unrest. The Qur'an, therefore, instituted the concept of *zakah* (poor tax), which was made obligatory for the rich. This *zakah* amount so collected was to be distributed among the weaker sections of the society.

The concept of *zakah* was instituted to help all weaker sections of society including slaves and the indebted (see verse 9:60). This verse clearly shows how sensitive the Qur'an is to the sufferings of weaker sections of society. A healthy society is one which is essentially a society in which all can live with freedom and dignity and this is not possible if a section of population

lives in poverty, in need or as indebted. Such people cannot hold their head high, let alone enjoy dignity.

In Mecca, the opposite was happening. The poor were being neglected, slavery was widespread and a large number of people were indebted. The rich cannot show off and indulge in ostentation proudly if there are no people of the lowly status to compare with. The rich wants to be privileged vis-à-vis the poor and the weak. Status and privilege caters to their ego. If the poor is given rights and dignity the rich resent it.

The message of Islam was highly liberating for the poor, as Islam treated all human beings as equal. (Verse 49:13). Thus, the honest and pious found themselves closer to Allah. This greatly hurt the ego of the rich.

The Prophet, on the other hand, gave great importance to the lowliest of the low in the society. He liberated his slave Bilal and gave him the privilege of calling the faithful to prayer. This privilege, the Prophet did not give to some of his better off companions. The Prophet wanted to give the message of equality that a slave, liberated or otherwise, is as dignified as any other human being who is rich and powerful.

The rich of Mecca thus greatly resented rise of the Prophet and his equalising movement. The Prophet was bringing about shift of power from rich to the downtrodden of Mecca (and thereby of all the downtrodden of the world) and this was not in any case acceptable to the rich and powerful of Mecca (neither it would ever be acceptable to the rich and powerful of the world anywhere). If this fundamental shift of power from rich and powerful to the downtrodden of the world takes place the world will become much more just and peaceful.

The Qur'an, it is very interesting to note, made establishing a just world order a spiritual act, an act of prayer. All verses in Qur'an about prayer (*salat*) are coupled with giving of *zakah*. Thus, a prayer must be accompanied by giving of *zakah* to ameliorate the plight of the poor and needy and the indebted. Mere prayer to Allah will be merely a personal spiritual act, at best but this personal spirituality will not remove economic distress from the world and that world which is full of suffering for other human beings, cannot be a truly spiritual world.

Thus, to relieve the poor and marginalized of their distress and suffering is a spiritual act. The Prophet is also reported to have said that to feed a hungry widow is more meritorious than praying whole night. The Qur'an does not approve of *salat* when the orphans and needy are suffering and being pushed away. Such prayer will be soulless and for only showing off (see chapter 107). Thus Islam stresses collective spirituality through ceaseless efforts to end all forms of exploitation and oppression.

The concept of jihad in Islam has been very much misunderstood thanks to misuse of the concept by handful of Muslims for their own vested interests. According to the Prophet, real and best form of jihad is to speak truth on the face of a tyrant authority. It need not be said that one cannot establish a just society without struggling against tyranny and exploitation in ones own society. A liberated society is possible only through constant struggle for justice and dignity for whole of humanity.

Thus, jihad is always directed against *zulm*. It can never be directed against innocent people. Taking lives of innocent people amounts to *zulm* and jihad is meant to fight *zulm*. Such jihad would mean perpetrating *zulm* rather than fighting against it.

The struggle against tyranny and exploitation should never take a violent form. Needless violence vitiates the goal of a just society. That is why violence is not permitted by the Qur'an except for self-defence and any violation of this principle amounts to exceeding the limits (*hudud*) set by Allah (see 2:190).

Jihad is not an individual concept. It is a collective struggle by all the people against tyrants and exploiters. Jihad is a very important concept in Islam. It is a struggle for justice and human dignity and for establishing a society where human rights and human dignity will be ensured and is collective and a peaceful action. The Qur'an requires all the faithfuls to fight evil (*munkar*) and enforce good.

What is *ma'ruf*? It is nothing but all that is good, and what is good – something that is just. What is evil? It is injustice and exploitation. Enforcing what is good and fighting what is evil is the best jihad one can wage and it is collective and on-going one. Thus, jihad is not by weapons but through peaceful struggles, refusing to accept what is unjust and against dignity of all human beings.

This is best enumerated in chapter 103, the translation of which is as under:

By the Time!

Surely human being is in loss,

Except those who believe and do good, and exhort one another to Truth,

And exhort one another to patience.

In these few lines the Qur'an has said everything that needs to be said for the good of humanity, for its liberation. Human beings would remain in loss unless they believe in good and do

good. They should induce each other for following truth and for remaining patient. One cannot believe and do good and be truthful without having tremendous degree of patience.

This is certainly not one time action, it is constant process; it cannot be confined to one person, it is a collective act and that is why the Qur'an uses plural and not singular form. All Human beings will be in loss, if they do not believe in good and truth and continuously struggle for these values and with all patience at their command. These words, goodness, truth and patience clearly show that peaceful struggle is required, not violent one resulting in bloodshed.

Imam Shafi'i, one of the greatest jurists of Islam rightly observed that if only this surah (chapter) was revealed and nothing else to the Prophet, it would have been more than sufficient. This small chapter contains everything a human society needs for welfare of entire humanity. Such a society can only be a liberated society from all forms of injustices, oppression and exploitation.

Since no society can be free of all forms of oppression, exploitation and injustices, there is need for constant struggle by those who believe in justice, human dignity and truth and this belief needs to be practised as much as believed. One should keep continuous vigil against *zulm* and any form of exploitation.

Thus, the Qur'an came as a liberator of entire humanity and brought those fundamental values, which are needed to evolve a liberated society. The Qur'an also accepts the fact that several prophets, guides and seers came in this world for the same purpose and Muhammad (PBUH) was the last among them. Thus in essence all religions of the world came for liberation

of humanity but some human beings, to serve their own vested interests, sabotaged or distorted this message of liberation and the world could not be liberated from exploitation, injustices and indignities.

There is strong need today for followers of all religions and believers of fundamental values such as equality, justice, truth, love, compassion, peace, human dignity and sensitivity to sufferings, to come together and struggle for restoring these values in practice.

CHAPTER 4

Islam in the Eyes of a Theosophist

Today the Western world looks upon Islam as a hostile religion and Professor Samuel Huntington even made out a case for clash of Western and Islamic civilizations. Through the years after decolonization and acceptance by Western powers of pluralism, the hostility against Islam continues to be a determining factor in Western politics. Western scholars too continue to attack Islam and Muslims. If there is no democracy in Islamic countries they blame Islam for this, not the dictators and the irony of it is that presidents of USA remain very friendly with these dictators except the ones who do not bow down before USA like Saddam Hussain or Gaddafi or Bashar al-Asad President of Syria.

Annie Besant, a theosophist, a freedom lover and founder of the Theosophist Society of India in 19th century, when India was still a British colony, had a rather appreciative view of Islam. It is only because these politicians view Islam as a means

to gratify their political interests rather than as a religion. The Danish cartoon controversy has further worsened their relations with Muslim countries.

The Danish cartoonists have shown absolute insensitivity towards religious feelings. For them, hurting religious sentiments is also a part of the 'freedom of press' banner. These cartoons are extremely offensive as they make fun of the Prophet of Islam rather than any Muslim politician, as if the Prophet was responsible for all the terrorist operations that Osama bin Laden and his followers in Al-Qaeda have been carrying out. Whose fun did we make? One who is dead 1400 years ago and has nothing to do with contemporary developments in the world of Islam?

On the contrary, Annie Besant, who lived in 19th century when there was no democracy and much more prejudice among orientalisists against Islam, writes with profound sympathy and understanding about Islam. I came across her booklet on Islam which she wrote in 1897 in Chennai (Madras) and published it on behalf of Theosophist Society of India in the same year, when I went to deliver a lecture on "Sufi Way to Peace" in their international conference in Adyar, Chennai on 27th December 2005. I was presented with a copy of this booklet which I greatly enjoyed reading. When the recent violent controversy about the Swedish cartoons broke out, I thought I will share some of the observations of Annie Besant on Islam with my readers, so that they can understand the difference between those scholars and journalists who write with prejudice and those who write with understanding.

Besant writes in the foreword of the booklet, which is very essential to understand a religion:

“...an attempt is made to distinguish the essential from no-essential in each religion, and to treat chiefly the former. For every religion, in the course of time, suffers from accretions due to ignorance, to wisdom; to blindness, not to vision.”

Then she continues,

“...within the brief compass of a lecture, it was not possible to distinguish in detail, or to point out all the numerous no-essentials. But the following tests may be used by anyone who desires to guide himself practically in discriminating between the permanent and the transitory elements in any religion.”

Her tests are as follows:

“Is it ancient? Is it to be found in ancient scriptures? Has it the authority of the founder of the religion, or the sages to whom the formulation of the particular religion is due? Is it universal, found under some form in all religions? As regards spiritual truths, any one of these tests is sufficient.”

Generally these later accretions which Annie Besant refers to, become more important than the universal spiritual truths of any religion. These accretions are derived from local cultures, customs and traditions and hence for people of that area, they become more fundamental than original scriptural pronouncements. It is political needs and arrogance of power which distorts the essential truths and real spirit of that religion. Religion of the ruling class is political power and it is this political power which determines its contours rather than religion determining the contours and legitimacy of power.

Most of the scholars and journalists have no such basic vision and whatever they see being practised, take it as the core of religion and then they either start criticizing or ridiculing it. On

the contrary, Besant tries to comprehend the essential spiritual truth of Islam, or for that matter of any religion.

In order to understand Islam, Besant first tries to understand the biographical background of the Prophet. After describing his birth, his becoming an orphan at a tender age, she continues,

“Twenty four years passed. He has been trading on behalf of a kinswoman, Khadija, far older than himself. She finds him so faithful, so frugal, so trustworthy, that they become man and wife—Muhammad not yet the Prophet, Khadija not yet the first disciple. Young man and older woman they are, but they live together so happily that their union remains one of the ideal marriages of the world, until she leaves him a widower at fifty years of age after twenty six years of blessed married life.”

She describes the Prophet as a kind man leading a quiet outward life but engaged in terrible inward struggle, grieved with what he sees around him: poverty, slavery, suffering of the weaker sections of society. His wise counsels are forever for the poor and the distressed. He always keeps his word and is known as *al-ameen*, the trustworthy, surely the most honourable title a man can win.

As for his prophethood, Besant describes it as follows:

“Thus the years pass—years of struggle that few can measure and then on one night of nights as he lies there on the ground in his agony, a light from heaven shines around him, and a glorious form stands before him: ‘Rise, thou art the Prophet of God; go forth and cry in the name of thy Lord.’ ‘What shall I cry?’ ‘Cry,’ the angel says; and then he teaches him how the worlds were made, and how man was created. He teaches him of the unity of God, and the mystery of angles. He tells him of the work that

lies before him. He, the most solitary of men, is to go forth and cry in the name of his Lord.”

This story of the Prophet is known to most of the Muslims but what is important is how sympathetically Besant, a Christian herself, narrates it with great sympathy and understanding. She perfectly understands the inner spiritual struggle, which the Prophet had to undergo before attaining prophethood. All those who are not satisfied with the given society and its condition, initially undergo such inner struggles in their quest for truth. The Prophet also underwent similar inner spiritual struggles and spent numerous days in the cave of Hira, reflecting over the spiritual and the material condition of Meccan society. It was in this cave that Truth was revealed to him, as Muslims believe, through Archangel Jibraeel.

The Prophet (PBUH), on being revealed this truth, proclaims it to his fellow humans in Mecca. Besant observes,

“Among the many creeds of man there is none that is more earnestly believed, more passionately followed, than that spoken by the mouth of the Arabian Prophet and if the proof of belief be in conduct, then watch his followers and see how his word rules still the actions of their lives.”

Besant thinks that if a person has disciples from among his near and dear ones, it is the best proof of his sincerity and truthfulness, as no one knows a person better than his wife or sons or parents or daughters. Thus Besant observes,

“The Prophet's first disciple was his wife, his next disciples were his nearest relatives. That says something about the man. It is easy to gain disciples from among those who do not know you, who see

you only on the platform, who hear you only in a set speech. But to a Prophet to your close relatives is to be a Prophet indeed.”

Another genuine test of the truth of a great soul is how people not only love him but are ready to sacrifice everything, including their lives for the sake of that truth. Without genuine conviction about the truth of the message, nobody will stand utmost tortures and all conceivable troubles and even court death for its sake. The Prophet of Islam and the truth proclaimed by him won the hearts and souls of his followers who were ready to face all troubles to protect and promote the message brought by him.

Besant further observes,

“Some more gather round him, touched by his inspired words. But now fierce persecution breaks out, and his followers are called upon to endure terrible torture. His followers are torn to pieces; they are thrust through with stakes; they are exposed on the burning sand with faces upturned to the Arabian sun and with heavy rocks upon their chests; they are bidden to deny God and His Prophet; but they die murmuring: ‘There is but one God and Muhammad is His Prophet.’”

The people would not bear all such tortures without strong conviction in the truth of the Prophet's message. A pretender, a selfish man who adopts violence to achieve his self designated goals, as many Western scholars project Muhammad to be, can never inspire one's followers to stand such unimaginable hardships. Only when one finds the message genuine, one will bear such unprecedented hardships.

The chiefs of Mecca conspired to kill the Prophet but he manages to escape through the window of his small house and his cousin Ali is ready to sacrifice himself by sleeping in his

bed. The Prophet and his companion Abu Bakr, who chooses to accompany the Prophet (PBUH), are pursued and a price is put on his head. The enemy does not stop at this. It pursues the Prophet and engages him and his followers at the battle of Badr. Prophet's own band is quite small while the enemy is in much larger number and overawing indeed. They thus confront each other in the battle of Badr. It is not the Prophet who chooses to inflict war; it is enemy who is keen to defeat the Prophet once and for all. Prophet wants peace but is forced into war which witnessed the clash between a small band of truth seekers vis-a-vis a mighty horde of enemy, bent upon protecting its powerful interests. They clashed—truth with interests and Besant continues:

“The Prophet cries, ‘O Lord! If this little band were to perish, there will be none to offer unto Thee pure worship.’”

Besant proceeds,

“This is Muhammad's first bloodshed repelling an attack. He had ever been tender, compassionate, ‘the womanish’, as his enemies called him. But now he is no longer a private individual, free to forgive all wrongs done to himself; he is ruler of a State, the general of an army, with duties to his followers who trust him. The days are coming when crimes that as a man he would have forgiven, as a ruler he must punish, and Muhammad the Prophet is no weak sentimentalist.”

Though Besant is defending the Prophet as head of the State, if one reads the Qur'an, the moral dimension cannot be lost sight of. The Qur'an repeatedly asserts ‘Allah is Forgiving, Allah is Compassionate and Allah is Benevolent’. Thus throughout Qur'an, one finds a palpable tension between the real and moral,

political and ethical. Qur'an always gives precedence to moral over real and provides a transcendent vision. Transcendence is most fundamental to Qur'an and Qur'anic ethics.

Besant points out that,

“After the victory of Badr, only two men were executed and contrary to Arab usage, the prisoners were, by the Prophet's order, treated with the greatest kindness, the Muslims giving them bread and keeping only dates for themselves.”

Thus as far as the Prophet (PBUH) is concerned, he was very kind and compassionate to the suffering of others. He is described by the Qur'an as *Rahmat lil 'Alamin*. However, there was violence everywhere in Arabia. It was a way of life. One tribe attacking the other and killing in revenge (*qisas*) was considered normal. It was the Qur'an which portrayed Allah as Merciful and Compassionate and made 'afw (pardon) as morally superior to *qisas*.

The Prophet was so sensitive to the sufferings of others that even at the time of his death, he asks his followers to pardon him if he has done any wrong to them or to take *qisas* for that. Annie Besant says,

“And so things went on for ten years, and then comes the end. And when prayers were over, they lift him up in the mosque, too weak to stand, Ali and Fazl on either side to hold him up, and he raises his feeble voice and cries: 'Muslims! If I have wronged any one of you, here I am to answer for it; if I owe aught to anyone, all I may have happened to possess belongs to you.' One man says that he owes him three Dirhams and the coins are paid, the last debt to be discharged on earth.”

Besant then comments (on the death of the Prophet),

“A noble life, a marvellous life; verily a Prophet of the Lord. And yet so simple, frugal, humble, patching his own worn out cloak, mending his own shoes, when thousands were bowing to him as Prophet—and gentle all around. ‘Ten years’, said Anas his servant, ‘was I about the Prophet, and he never said so much as “uff” to me.’”

Can we then portray the Prophet as a “terrorist” as the Danish cartoonist did in the name of freedom of opinion and press? Does it show ignorance or prejudice or both? It is unfortunate that entire West today is reproducing these offensive cartoons and justifying them in the name of freedom of press. It is not only the question of freedom but also of proper knowledge about a person you portray. Where is the conscience where there is no knowledge?

Annie Besant also defends the Prophet against charges of needless violence and slaying of *kafirs*. She writes,

“But, they say, he preached war and extermination, and brutal bloody slaying of the unbeliever. It has ever been held, and laid down by Muslim legislators that when there are two commands, one of which is absolute, such as: ‘Slay the infidel when he attacks you and will not let you practise your religion’, that the condition, the limitation, is to be added to every such absolute command. This ruling is borne out over and over again by the practice of the Prophet. Concerning the infidel he says: ‘That if they desist from opposing thee, what is already past shall be forgiven them; but if they return to attack thee, the exemplary punishment of the former opposers of the Prophets is already past, and the like shall be inflicted on them. Therefore fight against them, until there be no opposition in favour of idolatry, and the religion be wholly God’s. If they desist, verily God seeth which they do; but if they turn back, know that God is your patron; he is the best patron

and the best helper.”

She also quotes an important verse from the Qur’an from chapter 17:

“Invite men unto the way of thy Lord, by wisdom and mild exhortation; and dispute with them in the most condescending manner, for thy Lord well knoweth him who strayed from his path, and He well knoweth those who are rightly directed. If ye take vengeance on any, take a vengeance proportional to the wrong which hath been done to you; but if ye suffer wrong patiently, verily this will be better for the patient. Wherefore do thou bear opposition with patience, but thy patience shall not be practicable unless with God’s assistance. And be not thou grieved on account of the unbelievers; neither be thou troubled for that which they subtly devise; for God is with those who fear him and are upright.”

This quote summarizes Qur’anic ethics. If one takes revenge, it should be proportional to the wrong inflicted and if one bears with patience (instead of taking revenge), it is always better and patience can be observed only with the help of God. Here we see that Qur’an permits revenge only as a matter of given reality but provides a transcendent dimension by asserting significance of patience (*sabr*). *Sabr* is a superior quality to revenge. Thus, *sabr* is always preferable but if one wishes to take revenge, it should be strictly proportional to the injury inflicted, not more. In this way, Qur’an makes us aware of the superiority of oral over real.

However, if some Muslim violates the Qur’anic injunction and resort to violence out of all proportion to real, it is these Muslims to be blamed not the Qur’anic teachings. But the ignorant or those bearing malice towards other religion, will express opinion

not based on real teachings of that religion but on the conduct of some of its followers and that too in the name of freedom of expression. Freedom of expression is by all means fundamental, even sacred, but has to be exercised with utmost sense of responsibility. There is no freedom without responsibility.

Annie Besant held the Prophet of Islam in very high esteem and was well informed about him and his teachings. Throwing light on the conduct of the Prophet (PBUH) she says,

“And look at his own conduct as illustrating his teachings. Never a wrong done to him that he did not forgive; never an injury that he was not ready to pardon. There are faults in every faith; there are errors in the practice of all men. Ignorant followers often act wrongly, where Prophets speak the truth. Judge a religion by its noblest, not by its worst, then we shall learn to love one another as brothers, and not hate one another as bigots and as fanatics.”

If only we could follow Besant's advice, the world will undergo a complete change. The Danish cartoonists created a worldwide problem because they kept the worst examples of few Muslims before them, totally ignoring the best in Islamic teachings. Freedom of expression does not always mean writing or drawing anything expressing ones worst prejudices in its name. Many campaigners of hatred do precisely this. And even then they want to defend their right to freedom.

Throwing light on the teachings of the Qur'an, she quotes a verse from chapter 5 and observes:

“Who is better in point of religion than he who resigneth himself unto God, and is a worker of righteousness, and followeth the law of Abraham for the orthodox? Since God took Abraham for his friend.”

She then says,

“In that sense only is Islam the one religion; all men of every faith who surrender themselves to God are truly children of Islam. It is not the fault of the Prophet if his followers have narrowed it in later days. I appeal to the Prophet against his followers; as I have often appealed to the Christ against the Christians, and to the rishis against the modern Hindus.”

It is important to note that when we dispute with each other, we are guided by human ego rather than divine light and higher purpose. Those who understand and have knowledge will never quarrel on interfaith differences. They will, on the other hand, live with these differences with proper understanding as human beings and leave it to God to finally judge who is right and who is wrong. What is wrong is due to human ego and what is right is due to divine light and higher purpose in life. That should be our approach to interfaith problems.

I have tried to summarize here what Annie Besant has written in her booklet on Islam. She herself is not a Muslim but has truly understood the essence of Qur'an and Islam, more than many Muslims do.

CHAPTER 5

Islam, Morality and State

Is Islam a political ideology or a moral and spiritual guide? The answer depends on one's point of view. It has become commonplace that one cannot separate religion from politics in Islam. This has given rise to the notion of Islamic state. However, this approach does not bear Qur'anic scrutiny. If one studies the Qur'an carefully, one does not find any mention of Islamic state in the Holy Book. It was sheer coincidence that a state emerged in Islamic society almost during lifetime of the Holy Prophet.

No religion in the world establishes a state. It just removes moral corruption and acts as a spiritual guide. If the emergence of a state had been necessary to establish a religion, Allah would have made it a universal rule and all prophets would have established one. How could then Islam be an exception? We do not find any prophet in the Qur'an establishing a state. Only two prophets Daud and Suleman (peace be upon them) are mentioned as kings and rulers.

In fact, except these two, all other prophets mentioned in the Qur'an come from humble origin and were commoners. They all faced persecution at the hands of powerful vested interests i.e., rulers like Nimrod or Pharaoh or leaders of the community who felt that the prophets' moral and spiritual teachings posed a threat to their interests. All these prophets were severely persecuted by these vested interests; Nimrod persecuted Ibrahim (AS), Pharaoh persecuted Musa (AS) and Salih was persecuted by his community leaders and Mohammad (PBUH) by the powerful and rich tribal leaders of Mecca. Throughout Meccan period, Muslims faced severe persecution and the Prophet (PBUH) bore insults, humiliations and physical persecution with exemplary patience and fortitude. He did not even curse his enemies.

Also, a religion can never be established by state authority, it establishes itself through its own moral and spiritual force. People believe in a religion not because it is patronized by a state but because of its moral teachings which appeal to the people. Those who believe in the necessity of establishing an Islamic state, indirectly assume that Islam can be sustained only through state authority and not by its own moral and spiritual appeal.

Some people even argue that if there is no state then how can *Shari'ah* laws be enforced? For them, state authority is required in order to enforce *Shari'ah* law. There is an obvious flaw in this debatable argument. There are millions of Muslims living as minority in countries like India, UK, USA, France, Germany, Canada, Switzerland and so on. Are they not Muslims? Do they not follow *Shari'ah* laws? In fact, the number of Muslims living as minority is more than those living in Islamic states

Qur'an strongly advocates the doctrine of freedom of conscience which acts as a real foundation of religion. A person can

be truly moral only if his heart and soul accept moral doctrines. Coercive power can never make a person moral in true sense of the word. Coercion leads to hatred for the authority rather than respect for law. In fact, state is always perceived as coercive agency. Also, there is absolutely no guarantee that the power holders will not be corrupt and will always be morally sound. And even if the ruler is just and scrupulous, there is no guarantee that people around him will not be tempted to become corrupt in order to accumulate wealth and power. Respect for law can be inculcated only through awareness and moral education. History of the Islamic state which is almost 1400 years old has nothing to boast of. Thus it is not a steady argument that *Shari'ah* laws cannot be enforced in the absence of a state agency.

Whenever a powerful establishment like a state establishment, based on power and wealth comes into existence, a struggle to control it ensues and this obviously leads to a tussle between various aspirants, resorting to fair and foul means. Even those who were close companions of the Prophet and were morally upright and worthy of emulation, struggled among themselves to control the state machinery. Even bloodshed could not be avoided and Muslims plunged into a civil war which cost them more than 70,000 lives.

This was during the period of pious Caliphs. During Umayyad and Abbasid periods things were far worse. State machinery was controlled by ambitious rulers who used all iniquitous means conceivable to eliminate their competitors. Most unscrupulous means were employed to obtain or retain power. During the Umayyad period, only Umat bin Abdul Aziz was morally upright and tried to follow Islamic principles but he was poisoned by the vested interests.

Yusuf bin Hajjaj was a great tyrant who controlled Iraq during the Umayyad period. He killed about 1,00,000 Muslims and sent almost half of that number to jail. The Umayyad's were overthrown by Abbasids in a colossal battle that witnessed great bloodshed. The Abbasids did not even spare the newborn Umayyad babies. So much blood was shed that one who led Abbasid insurrection came to be known as Saffah i.e., one who sheds lot of blood.

The rightly guided Caliphs could not last for more than 30 years and three out of these were assassinated. Thus, one can easily conclude that even the pious caliphs found it very challenging to establish a just state which could rule according to the moral and spiritual guidance of the Qur'an.

In fact, the whole history of the so called "Islamic State" is a history of coercion and bloodshed. State never succeeded in establishing morality and spirituality in the society. Morality and spirituality can be imbibed only through inner transformation which is possible through inner conviction. Thus, it is conviction which is more fundamental in moral and spiritual matters than coercion. State always represents coercion, not conviction.

II

The Qur'an not only emphasizes freedom of conscience in matters of deen but also exhorts the Prophet (PBUH) not to act as *musaytar* (88:22). Thus even the Prophet is only a moral guide, not a warder or supervisor. The Prophet is not required to perform functions of the state, let alone establish a state to impose deen on anyone. Thus not only does the Qur'an not refer to

any concept of state, it also does not recommend the Prophet to become a musaytar.

It should also be noted that Islam has spread in the world not due to any state machinery, but due to those who led pious and exemplary life. In fact, at times the state almost became an impediment in spreading Islam. During the Umayyad period when some enthusiastic preachers in Iran converted large number of people to Islam, it affected the state income as *jizya* amount was reduced. Following this, the Umayyad Caliph wrote to the Governor of the province to restrain the preachers from conversions as state treasury was being adversely affected.

The Qur'an advises the people calling others to the way of Allah to do so through good words and wisdom (16:125). Thus, it is certainly not for the state to organize *da'wah*. Its only function is to legislate in the interests of people and maintain law and order and provide impartial machinery for justice.

Now some people can and do argue that state can only impose *Shari'ah* law and cannot legislate as *Shari'ah* law is itself a divine law. It can only enforce what is already given as a divine law. Thus, some Islamic states follow only *Shari'ah* law and do not legislate. But even Islamic jurists agree that it is only the rules of *ibadat* (rules pertaining to arena of worship like prayers, zakat, haj, etc.) that cannot be changed. But those pertaining to *mu'amalat* i.e., interpersonal matters require changes from time to time. The law cannot remain stagnant in matters of *mu'amalat*.

While principles and values cannot change, law based on these principles and values should keep pace with changing times. A law, for example, thought to be just at one period of time, becomes unjust or oppressive, at another. Thus, justice

is more important than the law based on it. Many laws which Islamic jurists had thought to be quite just in respect of women, are being thought to be unjust by women today who are now demanding changes in these laws. The case of *hudud* laws in Pakistan is the best example for this.

Today, Islam is divided into several sects (and this division is justified by our Ulama on the basis of a *Hadith* ascribed to the Prophet that Islam will be divided into 72 sects and only one sect will be *naji* i.e., on the right path) and every Muslim country has several of such sects in its geographical boundaries. Each sect has its own laws of *Shari'ah*. Then the question arises which *Shari'ah* law will be enforced by an Islamic state? If the state follows the laws of one particular sect, other sects will be coerced into following that law. Hence it will violate the principle of freedom of conscience.

Also, any law imposed coercively will not bring about real moral transformation which is the main purpose of Islamic *Shari'ah*. The state should be permitted to use coercion only in case of crime. Thus if someone steals, or rapes, one has to be punished and/or such crimes need to be coercively prevented.

In all other matters which pertain to moral and spiritual upliftment, coercion cannot be permitted. Islamic states are coercively imposing a dress code, particularly where women are concerned. And this dress code is often cultural than religious. Such impositions have no meaning because these women, given a chance, will wear mini skirts and this is substantiated by the outrageous dresses worn by Saudi and Iranian women in other countries. This defeats the very purpose of *Shari'ah* law which is not meant for coercion, but for moral transformation.

If you set up an Islamic state, it is the Ulama who will control the state machinery in the name of imposing *Shari'ah* law. The elected rulers will have to fear them and 'ulama, who are not accountable to the people, often rule by proxy. Thus technically an Islamic state cannot become truly democratic. In Iran, any law passed by the Parliament cannot be legislated unless it is approved and signed by the supreme faqih or by a council of fuqaha' who will examine it from the point of view of *Shari'ah* as compiled in early Islamic period.

The Ulama do not even allow rethinking *Shari'ah* provisions in the light of new developments as their selfish interests can be protected only if *Shari'ah* remains immutable. They do not even allow the use of doctrine of *ijtihad* (creative interpretation) to make *Shari'ah* law more relevant to people's lives. They go on insisting on laws which are no more relevant to modern age. They even negate the true spirit of the Qur'an which is the most dynamic book for guidance in any age.

The Qur'an stresses certain values as most fundamental like equality, truth, justice, compassion, benevolence (*ehsan*), freedom of conscience and wisdom. All *Shari'ah* laws should be based on these values and as pointed out above, these values are more important than any law, unless the law embodies these values. *Shari'ah* laws were undoubtedly quite progressive when they were formulated by the great jurists but in the contemporary world they need to be revisited.

The Ulama who control state power do not allow *Shari'ah* law to be revisited and this is the reason why all Muslim countries, which have proclaimed themselves to be Islamic states, are stagnating in the field of modern knowledge. There is not

a single Muslim country with an Islamic state which can boast of modern laboratories for study of nuclear or Atomic Physics or other institutions of higher learning. Qur'an consistently stresses on learning and even says that scientists (Ulama, not in traditional sense) alone can understand this universe and praise its creator (see verses 3:190 and 35:28).

Modern state cannot confine itself to traditional knowledge but has to actively encourage modern knowledge and endorse excellence in all the fields of modern science. No country today can play the leading role without achieving such excellence in fields of modern, natural and social sciences. An Islamic state is constrained by traditional sciences and complete stress in such states is on religious learning rather than on modern science and technology.

Even true religion can flourish only if there is freedom to choose and the state does not dictate anything to its citizens. More a person is free, more he would be able to develop his religious and spiritual thoughts. If a state is encumbered by a particular sect or school of thought, it will not grant freedom to other schools of thought. This is the dilemma of all ideological states. Only narrow interpretation of the ideology, on which a state is based, is permitted and it is the official interpretation which prevails. This totally curbs the freedom to develop the thought.

Freedom of conscience is most fundamental for true spiritual enterprise and for moral excellence. The Qur'an also requires all believers to choose freely and to sue power of reasoning and intellect to reflect and make moral choice. When angles argued with Allah that we always pray to thee and thou art creating a human person who will defy thee, Allah replied you do not know what I know and created human being (2:30).

What mainly distinguished humans beings from angles was the freedom of choice which was allotted to human only. They can choose between good and evil whereas angels have no such freedom and have to follow the good without any other option as they have been created in such a manner. Human beings, on the other hand, are free to choose and if they choose to be good, it makes them superior. Thus, it is the freedom to choice which made them superior to angels who were asked to bow before Adam.

Any ideological state does not allow such freedom of choice. It is only a modern democratic state, unconstrained and unencumbered by any religious dogmas, which can allow people to choose and be morally superior. Human spirit demands freedom and only a free human can be held responsible for his/her conduct. One cannot be a free moral agent in any ideological state. 3

III

In fact, Islamic state is not a *deeni* concept but a historical construct. If one wants to understand how the concept of Islamic state evolved, one has to look in the history and not in religious principles. I have already thrown light on the Qur'anic values which suggest that Qur'an aims at a society based on these values, and not a state.

When the Qur'an was being revealed in Mecca and also for first few years in Madina, the notion of state did not exist then. Moreover in Mecca, the Prophet and his followers were in small minority, struggling to form a community (*ummah*), rather than a state. In Madina, the situation somewhat changed in the later years when the Prophet emerged as a supreme authority, not

only in religious but also in secular matters. It was a historical, not religious need.

The whole emphasis of Qur'an, even in Medinese period, is on prophethood and not on kingship or being ruler. Throughout the Medinese revelations Muhammad is referred to as Prophet. Thus his pre-eminent position was that of a Prophet. He never raised any army or police or did not impose any taxes. Whenever Madina was attacked, people were persuaded to volunteer themselves and hence the emphasis on martyrdom (*shahadat*). Those who fought with the Prophet were not paid anything; on the contrary, they had to contribute weapons, camels, horses and other provisions. Thus, it was a purely voluntary force till the time Prophet was living. No state structure of any kind was evolved during the Prophet's life time. *Zakat* was also a religious obligation rather than a state tax. There were no other employees of any kind.

It was only after the Prophet's death that need for some kind of a state of primitive kind was felt. It is also important to note that the Prophet (PBUH), unlike Christ (*Isa*), was not born in a society where there was a ruler. Christ was born under Roman rule. Thus, he remained only a Prophet. Similarly, Ibrahim and Moses were also born under rulers like Nimrod and Pharoah and hence remained only as Prophets.

But the Prophet of Islam was born in a society where there was no ruler. It was primarily a tribal society and hence once a religious community came into existence, it required a ruling authority to maintain law and order. All four pious Caliphs ruled through mutual consultation. It was a loosely structured state authority which was delegated the responsibility to maintain law

and order in the society and this need increased as non-Arab foreign lands were conquered.

Many non-Arabs, who were neither converted to Islam nor did they accept Islamic morals, came under Muslim authority. Thus, with these conquests a proper state authority became a must and for Umar, the second Caliph during whose regime foreign lands began to be conquered extensively, a paid army and police force seemed necessary. It was now hardly possible to work with voluntary services. Thus, Umar set up an army register (he copied it from Iran), *shurtat* (police) and even market inspectors.

The four rightly guided Caliphs tried their best to keep character of state as non-coercive as possible but with seizure of power by Mu'awiyah, the state really became more and more coercive apparatus mainly concerned with political power than creating a moral value-based society. The Prophet's whole efforts were directed at creating a value-based society rather than controlling political power. The four Caliphs tried to maintain this tradition but Umayyads were mainly concerned with political power, not with quality of the society.

The Islamic world thereafter never saw a period where the main concern was creating a moral society but to capture and retain power for one's own dynasty. Such states cannot be characterized as "Islamic State" by any stretch of imagination. In modern times and in globalized world, societies are becoming more and more multi-religious and hence the best form of state could be one which is not concerned with religious dogmas but with fundamental values and people's welfare.

No state today can run with bias towards one particular religion or a sect of religion. Such a state which is run by imperfect

human beings cannot be expected to be impartial towards other religious communities or other sects of same religious community. Even in countries where Muslims are in majority, a state which is not based on any religious dogmas can be better administered. What is the need for the hour is not an Islamic state but a society based on Qur'anic values.

CHAPTER 6

On Understanding the Qur'an

How much do we know about Qur'an? Is it enough to quote a verse from here or there and claim that we know Qur'an? This is what is generally being done even by Islamic scholars. This half-baked knowledge creates a great deal of misunderstanding and often goes against the very spirit of the Qur'an. Qur'an is a divine scripture and can never be understood by quoting piecemeal verses.

When the Prophet (PBUH) was alive Muslims would ask him the meaning of various verses from the Qur'an. Whatever he said was collected in the form of *ahadith*. The commentators after the death of the Holy Prophet quoted these *ahadith* to explain the meaning of the verses. Thus, came into existence the vast *tafasir* literature. The later commentators simply repeated the earlier *tafasir* i.e., commentaries hardly adding anything.

It is important to note that Qur'an has to be understood not only in the context in which the verses were revealed but also

at different levels when these were expressed. The Qur'an deals with number of subjects at social, cultural, spiritual and moral levels. It deals with subjects not only at the given social level but also at moral levels, thus, adding transcendent dimension to it. In brief, Qur'an deals with a subject not only at one but at multiple levels. One cannot do justice to Qur'anic injunctions without understanding them at different levels.

The compilers of the *Shari'ah* laws adopted mono-level approach and, thus, created problems difficult to tackle. What is worse, the followers of these laws adopt very rigid approach and consider earlier formulations by great Imams as immutable thus injuring the very spirit of the Qur'an. It not only freezes Qur'an at a given period of time but also creates problems for its followers. It is, therefore, necessary to understand Qur'an at different levels even while making laws on the basis of divine injunctions.

Let us take the concept of *qisas* as described in the Qur'an. It is on this basis that the *Shari'ah* law provided for eye for eye, nose for nose and ear for ear approach. If seen on moral level, Qur'an considers pardoning the offender morally higher than seeking retaliation. Sometimes realistic dimension and moral dimension are contained in the same verse and some times in different verses.

Let us examine the verse (2:278) about *qisas* in matters of murder (*qatal*). The verse runs as under:

“O you who believe, retaliation is prescribed for you in the matter of the slain: the free for free, and the slave for slave, and the female for female. But if remission is made to one by his aggrieved brother, prosecution (for blood-wit) should be according to usage

and payment to him in a good manner. This is alleviation from your Lord and a mercy. Whosoever exceeds limit after this, will have a painful chastisement.”

If we analyse the above verse first we observe that the Qur'an keeps in mind the tribal mores of time. In fact, *qisas* was a tribal practice and tribal way of doing justice to the aggrieved. The Qur'an takes realistic as well as moral view of such practices. On realistic level, it retains the tribal practice, of course by reforming it to make it rigorously just, and then treats it at moral level by invoking higher moral values.

While accepting tribal practice of retaliation reforms, Qur'an reforms it further by making it free for free and slave for slave and woman for woman. Often tribals saved the life of a free man by offering life of a slave, but Qur'an makes it necessary to kill a free man for free and a slave for slave. It goes further and invokes moral value by proposing blood money if the aggrieved pardoned the murderer and accepted blood money. This is certainly morally higher than seeking retaliation and it is described as mercy from the Lord. But at the same time it warns that “whosoever exceeds limit after this, will have a painful chastisement.”

Thus, Qur'an treats the matter on three levels, namely, realistic level with added dimension of reform, moral level by invoking the higher moral value of mercy and painful punishment if one exceeds limits after all this. Thus, it is not proper to rigidly follow any one level, ignoring rigidly all others. Thus, the Qur'an advocates realistic, reformative and moral approach, whatever suits the context.

Generally, Muslims do not follow this methodology of the Qur'an and get stuck at one level thus inviting criticism from

those who are inimical to Islam. Framing laws is a socially responsible job and has to be done with awareness of this responsibility. Also, laws should not be rigid and no law can serve for all the times to come, however carefully it may have been formulated. The objective conditions keep on changing and law must keep pace with the changing conditions.

Also, it is important to note that while values are immutable, laws based on those values, can never be permanent. Unfortunately, Muslim scholars or traditional Ulama do not understand the difference between values and laws based on those values. Values are goals while laws are tools to reach the intended goal. The tools can and should change from time to time.

If we can reach our destination say by horse today, we will not hesitate to reach it by train or plane next day. Destination will remain the same but tools to get to the destination may change. Law cannot remain unchanged, and if it does despite changing conditions, it will defeat the very purpose of the law. A law maker has to be aware of this and examine objective conditions and see if it is fulfilling the conditions for which it was made.

In case of *Shari'ah* law, this is what is lacking. Our Ulama argue that law is immutable for its divine character. They forget that the early jurists who formulated laws on the basis of Qur'anic injunctions were human beings and no human being can be above human limitations. Thus, *Shari'ah* law is nothing but sincere human approach to divine injunctions as contained in the Qur'an. It is only modern times that enable us to understand this. One has to take religion on different levels—sociological, moral and transcendent. Sociological approach to religion is as

important as moral. Moral does not operate in vacuum; it operates in concrete social conditions. It is for this reason that the Islamic jurists accepted the concept of '*adaat*' i.e., customary law of given society in which *Shari'ah* law operates. Thus, in many cases the customary law can prevail.

But since the customary law is inherited from the past, it is static. Today, neither the customary law inherited from past customs nor *Shari'ah* law as formulated in early Islamic society, can suffice. We have to re-think legal issues that are continuously changing. However, this re-thinking cannot be arbitrary or contrary to the Qur'anic values.

Changes have to be accommodated while keeping the very foundation in tact. Values are the basis of the foundation, which have to be made stronger so that the super-structure can persist longer. For example, justice is foundation and laws of marriage, divorce etc., can be changed to make them more just. We often confuse priorities. For us, super-structure becomes more important than the foundation.

Polygamy has become more important than justice in Islamic world. Multiple wives are justified even if it violates the concept of justice. The gender relations in medieval ages were very different from what they are today. The *Shari'ah* laws formulated in those days were based more on the prevailing gender relations than on the basis of transcendent concept of gender relations in Qur'an.

Like other questions, the gender question is also treated on different levels in Qur'an. The Qur'an, in its divine wisdom, could not have ignored gender relations obtaining in those days. Thus, it treated gender question on realistic level and then on

moral and transcendent level. Let us take the example of marriage and divorce in Qur'an.

According to Qur'an, marriage is a contract between husband and wife. Qur'an greatly improved upon the tribal customary law while adopting it on realistic ground. In tribal customary law, law of marriage was heavily weighted against woman. She could not negotiate her own marriage except through the agency of her marriage guardian who happened to be her father or grand father or elder brother or uncle in the absence of her father.

In Qur'an, there is no mention of the institution of marriage guardian. It gives the right to negotiate one's marriage directly to woman. Also, *mehr* (dower) amount in the customary law used to be negotiated by the guardian. Qur'an gives this right too to woman and, according to it, it is the woman who is entitled to *mehr* and not her marriage guardian. Thus, this was an important reform to make the law of marriage more just.

Also, Qur'an elevates marriage to a higher moral plane despite its basic contractual nature by invoking moral values such as love and *ihsan*. In verse (7:189) we find the following:

“It is He Who created you from a single soul and of the same did He make His mate that He might find comfort in her.” Thus, husband finds comfort in his wife and further the verse goes on to say, “So when he covers her she bears a light burden, then moves about with it. Then when it grows heavy, they both call upon Allah, their Lord: if Thou givest us a good one, we shall certainly be of the grateful.”

This clearly refers to woman getting pregnant and then both praying to Allah to give them a good child (*salih*). Thus, marriage is lifted to a moral plane and made to develop firm bonds

so that husband can find solace in wife and together create good children to perpetuate human progeny. Marriage is thus not merely for satisfying sexual urge but much more than that—a bond of love and an instrument for perpetuating human progeny. Thus marriage, according to the Qur'an, is both a contract and a moral bond. It says in (30:21),

“And of His signs is this, that He created mates for you from yourselves that you might find quiet of mind in them, and He put between you love and compassion.”

Marriage without love and compassion cannot be a lasting bond between husband and wife.

However, Qur'an does not overlook the situation in which man and woman can no longer carry on with each other and divorce becomes necessary. Hence, it approves of divorce in such situations, and here contractual nature of marriage comes in handy. In some religions marriage is treated as sacramental. Since the bond can never be broken, it makes lives of both partners hell.

The Qur'an while permitting divorce, also ensures that it does not become a bitter rupture between husband and wife and advises man to live with her in *ma'ruf* (kindness) or leave her with kindness. Thus, whatever *meher* or gifts he has given to her should not be taken back. Verse (2:231) says,

“And when you divorce women and they reach their prescribed time, then retain them with kindness or set them free with kindness and retain them not for injury.”

Thus, we see the moral plane to which marriage and divorce have been lifted by the Qur'an. However, the Muslim jurists

overlook this moral aspect of marriage and divorce and allow marriages to be broken by pronouncing three words of *talaq*, even in anger and bitterness. Thus, if we see the moral nature of divorce in Qur'an triple divorce has no place at all.

The Qur'an also instituted the institution of arbitrator to make living together or separation easy. Arbitrators look into issues from man's and woman's side. Thus, in verse (4:35) it is said,

“And if you fear a breach between the two, appoint an arbiter from his people and an arbiter from her people. If they both desire agreement, Allah will effect harmony between them.”

Thus, the Qur'an is not in favour of a sudden rupture of relationship between husband and wife in a state of anger. Divorce should not be seen merely as a breaking of contract in an arbitrary fashion, but as a last measure after all efforts to bring about harmony between the two have exhausted. Thus, any law of divorce should be based on moral approach of the Qur'an.

This moral approach becomes even more clear from the verse (2:229) wherein Qur'an states that, divorce may be (pronounced) twice;

“Then keep (them) in good fellowship or let (them) go with kindness. And it is not lawful for you to take any part of what you have given them, unless both fear that they cannot keep within the limits of Allah. Then if you fear that they cannot keep within the limits of Allah there is no blame on them for what she gives up to become free thereby. These are the limits of Allah, so exceed them not; and whoever exceeds the limits of Allah these are the wrong doers.”

Thus, basic thing is limits of Allah and what are the limits (*hudud*) of Allah are the limits of morality? Hence, marriage and divorce should not be treated merely as legal contract to be entered into and broken at will without any regards to moral values involved in these acts. Unfortunately, our jurists treat marriage and divorce as strictly legal devoid of moral values and that is why arbitrary divorce or taking up multiple wives at a time is permitted strictly on legal grounds.

Similarly, Qur'an treats gender question not merely as of man and woman but of deeper human and spiritual one. Functionally and at realistic level, it describes it in the verse (4:34). This verse has been extensively quoted by jurists to prove that a woman is subordinate to man. But as pointed out Qur'an treats such important questions at different levels and no final conclusion can be drawn simply by reading this verse.

At deeper and spiritual level, gender relationship is described further in the verse (33:35). This verse treating the question at spiritual level says,

“Surely men who submit and the women who submit, and the believing men and believing women, and obeying men and obeying women, and the truthful men and truthful women, and the patient men and patient women, and the humble men and the humble women, and the charitable men and the charitable women, and the fasting men and fasting women, and the men who guard their chastity and the women who guard, and the men who remember Allah much and women who remember—Allah has prepared for them forgiveness and a mighty reward.”

Thus, gender relationship on spiritual level is quite equal and without any discrimination. The nature of relationship in the

verse (4:34) is purely functional and, therefore, not applicable permanently. It will change with the function, but the relationship described in (33:35) is on an elevated and spiritual level and, therefore, permanent. Thus, men and women are equal in every respect in the eyes of the Qur'an. Her humanity and human dignity in no sense is lesser than that of man.

The Islamic jurists treat women as unequal on the basis of certain verses like she being half witness or she receiving half the share in inheritance etc. Such verses in no way prove her inferior to man as far as her human dignity is concerned. There is great misunderstanding about these verses also. It is wrong to designate her as half witness as the verses pertained to only financial matters. This too was because she normally would have no financial experience. Today, women are financial experts and head even banks. How can then she be treated as half witness in financial matters? The verse was of recommendatory nature in conditions of those times. In no way can it be cited to prove her inferiority.

Even portion in inheritance is no proof of her inferiority, as it too had to do with her being non-earning member in those days. Due to her dependence on father and on husband after marriage, Qur'an made her maintenance obligatory on her father before marriage, on her husband after marriage and on her sons after death of her husband, if she had grown up children. It has nothing to do with her being a woman. Today, in most of the cases she earns herself and contributes to the family wealth, and there is no sin in revising her portion of inheritance.

The Qur'an created for women right to inheritance in three capacities: As daughter, as wife and as mother. Before Islam she

could not inherit at all. In those days she was not contributing to the family wealth and was merely dependent on male members of the family. This (i.e., creation of right to inheritance in three capacities) itself was a revolutionary step. This right could be further advanced today in the changed scenario. It will in no way injure the spirit of the Qur'an; on the contrary, it will enrich it.

The Qur'an gave values to humanity, which did not exist in Arabian desert before Islam. The only value which existed was *muruwah*, derived from the word *mar'a* i.e., man. Thus, *muruwah* meant manly qualities like bravery and generosity. Other values were not recognised. While, women had no place as far as these values were concerned.

It was Qur'an that gave the mankind the values such as equality, justice, benevolence, compassion, wisdom, tolerance towards other faiths, human dignity, love and truth. These values were meant to elevate human behaviour to a much higher moral plane. It strongly attacked negative virtues like arrogance, tyranny and sense of superiority over others. These negative virtues were widely prevalent among Arabs.

The punishments such as cutting of hands or flogging for rape too miss out on the moral spirit of Qur'an and have been treated mechanically. These punishments also, like other things, should be treated at different levels. Basically, the Qur'an talks about moral reforms of the offender rather than punishment. Punishment, however, is necessary if the offender refuses to reform and continues to commit offence.

Thus, the verse (5:38) should be read in conjunction with verse (5:39). The latter says clearly,

“But whoever repents after his wrongdoing and reforms, Allah will turn to him (mercifully). Surely, Allah is Forgiving, Merciful.” Thus, emphasis is on reform and repentance than on punishment. The Prophet (PBUH) always gave the offender a chance to reform and repent, before punishing him/her. However, this spirit was subsequently lost and emphasis came to be on punishments. The verses on rape and adultery or false accusation against chaste women from 4:2 to 4:9 should also be read along with 4:10 which talks about Allah’s mercy and wisdom.

Throughout Islamic history *Shari’ah* occupied central role. It is sufis who laid more emphasis on moral values than the ‘Ulama who exhibited their power through *Shari’ah*. What is central to the Qur’an is prevention than punishment. Punishment is the last resort.

CHAPTER 7

Is Progressive Islam Possible?

Many people talk about progressive Islam but “Is progressive Islam possible?” is the question most sceptics ask. Some maintain that Islam need not be suffixed with any attribute like “progressive” as Islam itself contains the attribute i.e., it is inherently possible. Why do people take such contradictory positions? It is not surprising as *Shari'ah* based rigid Islam and the Qur'an based liberal Islam make all the difference.

Again the question arises as to why is there a contradiction between the *Shari'ah* based and Qur'an based Islams? The *Shari'ah* based Islam tends to be inflexible and non-responsive to modern conditions. Thus, the practised Islam is far more rigid and inflexible than the Qur'anic Islam which is based more on values than on customs and traditions.

No religion comes into existence in a vacuum. It bears the stamp of the society it is born into. Islam was also born in a society which had its own customs and traditions, economy,

geography and history. The Qur'an, undoubtedly a divine revelation, every verse of which carries divine stamp, cannot be totally historical, though it transcends the bounds of history in moral and spiritual matters.

Islam took concrete shape in contemporary historical conditions and *Shari'ah* laws imbibed Arab customs and traditions. These customs and traditions are known as '*adat*' in the *Shari'ah* terminology. What is unfortunate is that these '*adat*' too became an integral part of *Shari'ah* along with the Qur'anic injunctions. Apart from this, the Islamic jurists were also confronted with many problems when Islam spread to other parts of the world. The *Shari'ah* law being the only state law of the time, it had to resolve these problems by resorting to *qiyas* (analogical reasoning). Thus, *qiyas* also became a part of *Shari'ah* methodology in view of these new problems.

As it was bound to happen, the doctors of Islamic law differed from each other on many formulations of juristic issues and thus, many schools of law came into existence, of which four survived in the Islamic state. It is extremely interesting to study the evolution of these laws in the then given societies and early debates among Islamic jurists. It is a very fertile area for research in evolution of *Shari'ah* laws.

Over a period of time, these laws evolved by early jurists became "divine" and doctors of law refused to re-visit these laws later. It was forgotten that ethos of early medieval society, along with Arab '*adat*' have gone into genesis of these laws. The whole *Shari'ah* became divine and hence immutable. Though learned Islamic theologians knew this, but they also let people think that the *Shari'ah* is wholly divine, in order to perpetuate their

hegemony. Also, no present day jurist wants to be an outcaste in an orthodox society.

Those modernists, who wanted to re-visit these *Shari'ah* laws got isolated in an overwhelmingly orthodox Muslim society. This caused a great deal of frustration among modernists, who at times, despaired and even became rebels. This frustration was, to say the least, quite counterproductive. One needs tremendous patience and understanding to understand this concept. Without changing the societies, one cannot bring about much needed changes in the *Shari'ah* laws, especially because it carries the stamp of divinity.

One also has to understand that the powers of the Ulama depend on the hegemony of the *Shari'ah* law. If changes are brought in, these Ulama, who have been born and brought up in an orthodox milieu, would not develop modern skills and fear any change as it will deprive them of their skills and powers. Hence, they oppose any change in the name of "divine law."

Those who wish to reform must understand this and work hard to bring about changes in the society before changing the Ulama. As long as the attitude and understanding of the people does not change, it will be near impossible to bring about any change among the Ulama. Of late, identity problems have assumed more complex dimensions and it is becoming even more challenging to usher in social change.

In today's global world, new challenges have emerged and religion and religious identity have assumed much greater importance. The West now considers Islam as a principal enemy and a source of terrorism. It also considers Islam as backward and unsuitable for modernization

and progress. The US foreign policy and pro-Israel attitude have created strong resentment among Muslims and they tend to cling more and more to orthodox Islam. Even educated Muslims tend to do so.

It is not possible to ignore these challenges. It makes the task of reformers ever more difficult. The process of change started since 19th century in the Islamic world when it came into contact with colonial rule. But orthodox Islam has proved quite tenacious. Greater the confrontation between the Western and the Islamic world, the more difficult it becomes to bring about a change.

Any project to bring about reform is seen as a Western conspiracy or Westernization of Islam. Also, thanks to the powerful interests of USA in retaining kings, sheikhs and military dictators in Islamic world, democracy is conspicuous by its absence. Ironically, the Western scholars blame Islamic teachings for absence of democracy in Muslim countries.

Due to the absence of democracy, it becomes even more difficult to bring about any social change in Muslim societies. One finds collaboration between dictatorial regimes and orthodox Ulama who oppose these changes. As Ulama support the dictatorial regimes, they in return look after the interests of orthodoxy. The modern intellectuals thus find it difficult to create social support for progress and change.

Another strange dilemma that the contemporary Islamic world faces is the fast pace of external modernization (i.e., modernization of infrastructure, use of computers, television, electronic communication and other modern amenities) and a stiff resistance to inner change. At best, it creates more mental

confusion and at worst rejects the modern science and reinforces orthodoxy. It is not easy to resolve this dilemma. Those intellectuals who successfully and creatively try to resolve this dilemma are far and few in between.

It is also interesting to note that the oil rich Middle-eastern countries are keen consumers of electronic and industrial goods, but have no willingness to usher in an industrial revolution in their own countries. Thus, at base, the societies remain essentially feudal and this is the reason why Islam developed during medieval ages still appeals to them. As the social base remains stagnant, education system also does not change. In many Arab countries, for example, education still remains quite narrow, sectarian and orthodox. With such unresponsive education system one cannot hope to create modern thinking.

Several intellectuals and critics of education system in the Arab countries have pointed out that the syllabi creates intolerance not only towards other religions but towards other Muslims sects also. If education system is so narrow, how can it prepare young minds for responding creatively to new ideas and social changes. Nothing less than a thorough overhauling of education system is needed. This realization dawned on the authorities after some of these countries were struck with terrorist violence. But considering the delicate balance of forces in their country, quick change is not possible.

These are some of the challenges being faced by the Muslim countries and Muslim communities in various countries. Even comparatively more developed countries like Malaysia still carry the dead weight of the past and Malay identity asserts itself in the form of Muslim identity. The Malays, until yesterday,

were quite backward as compared to Chinese and Indians and thus Malay identity got politicized and the conservative Ulama dominated in religious affairs. One cannot neglect these social and political factors if one wants to understand the domination of conservative forces in the Islamic world.

The examples of Turkey and Algeria are quite interesting as both the countries had modernizing dictatorships. But one should remember that imposing modernization without any change in social base often proves counterproductive. Kamal Ataturk forced people to accept Westernization. People accepted it out of compulsion rather than any inner change and Islamic Party reappeared after some time. Still, military held ultimate power and did not allow assertion of religious identity.

Algeria had adopted socialism during Ben Bella's time. Of course military overthrew him, seized power and rejected socialism but imposed secularism instead. The people of Algeria by and large, continued to be quite religious and when elections were allowed in 1990, the Islamic forces won. The military did not allow them to assume power and violence burst out which still continues.

Iran also went through the same experience during Shah's regime before it was overthrown by the Islamic revolutionaries. Shah also imposed westernization and modernization from above. He abolished the practice of veil and made wearing miniskirts and Western dresses compulsory. Same thing was attempted by King Amanullah of Afghanistan during 30s. He too paid the price for it and had to abdicate his throne.

This makes it abundantly clear that modernization cannot be imposed from above. The Western societies underwent

evolution for more than two centuries before secular forces could entrench themselves. In those societies, modernization developed along with industrialization and thorough changes at the base took place. Modernization grew from below rather than being imposed from above.

It is interesting to note that Western societies were faced with very different kind of challenges. Society was changing due to industrialization and rapid progress in science and technology while the Church was trying to impose orthodoxy from above. Thus, sharp contradictions developed between the Church and social forces of change. Since, the very base was getting transformed, Church didn't stand a chance to win. Victory was destined to be for modernism.

In Islamic world the process is just the opposite. Social base is entirely stagnant and few intellectuals, mostly educated in Western countries desire change from above. Even a profound scholar of Islam like Mohammad Abduh of Egypt, deeply influenced by Western society, could not usher in change. He was outmaneuvered by the conservative Ulama. Conservative Islam is destined to be on the margins of Muslim countries. Countries like Syria and Morocco, where modernization seems to be maintaining upper hand, has been kept going by dictatorships. The core is very much conservative in these countries. Conservative core can reassert itself only if lid is off.

II

We would now like to deal with the core teachings of Qur'an and the social movement in the pre-Islamic Arab society to

which Qur'an was responding and the reasons why it succeeded. The Qur'an was responding to social change taking place in the Meccan society and the *kuffar* were resisting change. Change was needed at two levels: first at the moral and spiritual level and the second at the social and political level. While change at moral and spiritual level found greater resistance, at social and political level, it was less challenging.

Morally and spiritually, Meccan society was not only stagnant but also degenerating. Inter-tribal corporations which were formed for carrying on international trade, brought windfall profits and consequent concentration of wealth. This concentration of wealth in the hands of a few resulted in neglecting even tribal morality. On the other hand, idol worship got associated with and became the symbol of spiritual stagnation and promotion of superstition. All sorts of superstitions were prevalent in the Meccan Arab society when Mohammad, the Prophet of Islam, was born.

The Meccan Arabs, most dominant, wealthy and of high tribal status, were quite proud of their newly acquired wealth and thought that this wealth was eternal and their ultimate power (see Qur'an, chapter 104). Thus, they became amoral in their attitude and as it often happens with neo rich, conspicuous consumption became their only religion thus bringing spiritual degeneration among them. Some tribal customs and traditions were becoming positive obstacles in the process of change—such as sexual amorality, maltreatment of women and burying girl child alive apart from several other ills.

There was no tradition of acquiring knowledge and reading and writing was practically unknown. Ignorance and superstitions

were thus order of the day. Taking pride in ones ancestry was highly prized as this was the only thing they could boast of. They never strived for any higher truth or spiritual values and one can say that there was total spiritual vacuum. The only religion of the book around them was Christianity but the Arabs were reluctant to accept it as it was basically associated with Roman imperialism, which they hated. The Arabs were fiercely independent and could not barter their independence with anything.

Just like a religion, no society can exist in total moral and spiritual vacuum. Though few of its people were wealthy but most of them were poor and neglected. It was causing social tensions in the Meccan society and they were assuming explosive proportions as we learn from pre-Islamic history of Mecca. Some Qur'anic verses of Meccan origin like chapter 104 and chapter 107 indicate the same.

It is interesting that the Qur'an responds to these problems and social tensions in Meccan society and lays great emphasis on knowledge (*'ilm*), social and economic justice through redistribution of wealth to the weaker sections of society and moral and spiritual uplift. These were exactly the main problems of the Meccan society before Islam and it emerged as not just a revolutionary movement but also as a moral and spiritual force.

Its emphasis on knowledge, justice and moral and spiritual dimension of human life makes it inherently progressive. Thus, one need not add "progressive" to the word Islam. Knowledge itself is liberating and combination with justice makes it relevant much beyond what it was at the time of emergence. Islam, of course, responded to human, social, moral and spiritual needs on different levels: immediate as well as transcendental.

Qur'an based Islam has strong sympathy for weaker sections of society. The verse (28:5) is a clear proof of this strong sympathy with the weaker sections of society. Women also belong to this section and hence Qur'an is the first revealed book that accords equal rights to women. The progressive scholars have often referred to the verse (2:228) which clearly stipulates equality of rights.

Not only this, Qur'an concretely spells out her rights in marriage, divorce, inheritance and property. Women are accorded equal dignity by Qur'an see (17:70). Gender equality plays an important role in giving a progressive outlook to the society. No one can claim to be progressive without accepting gender equality.

However, what is tragic is that these progressive dimensions of Islam were lost soon after the social customs and traditions of Arab and non-Arab societies to which Islam spread, began affecting it. Pre-Islamic traditions proved more tenacious than one could imagine. Embracing Islam, or any religion, does not mean that one completely gets emancipated from pre-conversion, social and cultural values and ethos. Specially, the attitude towards women did not change. This attitude even got reflected, as pointed out before, in the attempts of the Islamic jurists to interpret the Qur'an and *Hadith*.

The *Shari'ah* based Islam incorporated attitudes of the jurists who were products of their own society. Triple divorce is the best example of this attitude. This was essentially a pre-Islamic practice which the Prophet (PBUH) had condemned in no uncertain terms and Qur'an did not approve of it either. The verse (2:229), on being carefully read, makes it very clear. Yet, unfortunately,

jurists used this very verse to hold validity of triple divorce in one sitting.

Of course there have been exceptions to the rule. Jurists and scholars like Ibn Taymiyyah refuted with convincing arguments the validity of triple divorce. This form of divorce goes against the very spirit of the Qur'an and robs women of their dignity. How can men be allowed to throw a woman out by pronouncing three words after years of marital ties, when the Qur'an requires arbitration before divorce (4:35).

Some of the *Shari'ah* laws deprive women of their human dignity and they again become mere chattles as they were before emergence of Islam. Thus, it is necessary to go back to Qur'an based Islam as the *Shari'ah* based Islam has severe limitations. While the *Shari'ah* based Islam carries the stamp of medieval period, Qur'an based Islam remains universal. It is universal Islam that is relevant to our age and ages beyond our own whereas the *Shari'ah* based Islam remains confined to the time period when it was formulated.

It is a great tragedy that Muslims have reified *Shari'ah* instead of the values it is based on. No law, however exalted a philosophy it is based upon can become permanent; only the values on which these laws are based can be treated as permanent. Unfortunately, Muslims; even jurists, are unable to make this important distinction. They treat *Shari'ah* as divine instead of a book based on principles. Principles have been given by the Qur'an and hence are divine.

Shari'ah laws have been made by human beings and hence, at best, they are honest human approach to understand divine intentions in given circumstances. If circumstances change,

understanding can also change and hence this change of understanding will be reflected in changed laws. This will, in no way, affect the divine principles and values.

Today scholars and intellectuals of the 21st century face new challenges, particularly, in respect of gender parity. Old *Shari'ah* laws cannot meet these new challenges successfully. It is, therefore, necessary to make necessary changes in these laws as they can implement Qur'anic values more effectively than the old laws. The resistance from orthodox Ulama is more out of fear for their power rather than sanctity of the *Shari'ahs*. Sanctity of Qur'an is more important than sanctity of the *Shari'ah* which is, at best, an instrument, while Qur'an is fundamental. To uphold Qur'an and Qur'anic principles is more important than upholding *Shari'ah* laws and practices.

CHAPTER 8

Religion and Science: An Islamic Viewpoint

I had just matriculated in 1956, when I got to know that Russia had successfully sent a satellite to moon. I got excited and went straight to my father who was a maulavi. My father, a liberal-minded person, welcomed the event. However, another maulavi was sitting at the time with him and he cried that it was a lie. According to him, one could not land on moon as it would be interference with Allah's work which could not be permitted. Soon after, another satellite was sent which crashed midway. This maulavi, who was angry at the attempt to send a satellite on moon, noticed the news of the crash and came rushing with the newspaper, threw it in my face and said, "See Allah's punishment to these atheists who interfere with His work". I did not argue with him and kept quiet.

During those days, an Urdu book was published from Pakistan, written by, if I recollect correctly, Dr Ghulam Jeelani. The title of the book was *Do Qur'an* (i.e., two Qur'ans). The author

had argued that one Qur'an was of orthodox mullahs who believed in superstitions and the other Qur'an accepted science and its discoveries. It contained all the important principles of science and gave several examples by quoting verses from Qur'an. He also tried to draw various laws of science like the law of gravity, law to calculate velocity of falling objects towards earth, Darwin's theory and so on and so forth.

The author of the book impressed me a great deal as at that time I was just a student of 11th standard. However, later on I revised my views and came to the conclusion that Qur'an should not be treated as a source book for science as it is basically a book of guidance. It should also not be treated as a book of history as various stories relating to past events in the Qur'an are narrated to draw a moral, rather than to write history of the past Prophets.

However, even today many people adopt Dr Jeelani's approach and treat the Qur'an as a source of scientific theories. But they are unable to explain as to why they find it only after the discovery has already happened. Many people have even tried to prove the theory of relativity through Qur'an. They also try to prove, as pointed out, the theory of evolution of life as propounded by Darwin.

If all things are already there in the Qur'an, Muslims should have discovered all this much before the western scientists did. However, these are found only after the discoveries have been made by the scientists. In my opinion, this amounts to dragging Qur'an in scientific controversies. Qur'an, or for that matter any religious scripture, should remain above such controversies. In the world of science what is established through empirical

observations today, may change tomorrow, on discovery of other facts. It is vital to understand this truth.

It was in pretty old days, in colonial period to be precise, that one saw contradictions in religion and science. Today, hardly any contradiction can be noticed. Most orthodox people use modern technology and benefit from it. The orthodox religious priests, Ulama and Sadhus use TV channels for spreading their views. QTV runs 24 hour channels telecasting Qur'anic commentary, answering people's questions about their daily problems, throwing light on *Shari'ah* etc. Similarly, several channels are being used by various religious leaders to telecast their own religious and spiritual views and gone are the days when religious leaders used to reject scientific inventions. In my view, religion and science belong to two entirely different spheres and one should not be pitted against the other. They may or may not be complimentary.

We read in Sir Syed Ahmad Khan's writings that in 19th century, the Ulama had issued fatwas against the use of watch for determining time even for prayers. A fatwa against the use of loud speakers for *azan* (i.e., call to prayer) was also there. Today, all mosques are equipped with loud speakers for *azan*. One cannot think of any mosque, even a ramshackled tin mosque without a loudspeaker.

We should also distinguish between fact and truth. Fact is not truth and truth is not fact, though truth cannot contradict fact. Facts exist in the world and can be proved empirically whereas truth deals with spiritual values and may not necessarily exist out there. Science can deal with facts out there, not within one's subjective or spiritual world. Truth may also deal with the world

hereafter whereas science deals with the material world we live in and religion, while dealing with the material world, does it in moral sense.

Science deals with facts in a systematic manner to understand their nature, while analysing the causes of various phenomena simultaneously. Science answers the “how” and “why” of a phenomenon after a systematic study. It does not leave anything to mere imagination and also demolishes superstitions based upon presumptions.

Science enables us to understand the whole universe, how it came into existence and how it evolved over billions of years. Religion, on the other hand, deals more with the inner spiritual world than outer world. Inner world is, however, not any less complex than the outer universe. In Islamic tradition, there is a Prophet’s saying that one who understands one’s inner-self can know his Lord. There is a great insight in this saying of the Prophet (PBUH). Religion deals with spiritual universe while science deals with material universe.

Are there contradictions? Of course and it depends on one’s point of view as to how one interprets the scriptural injunctions. Many faithfuls believe that one should take scriptural statements literally and not metaphorically. For example, both Bible and Qur’an say the same thing about the creation of universe, “Be and it became” and also that the universe was created in just seven days.

Shall we take these statements in a literal sense? If yes, then there appears to be a contradiction between what science arrives at and what the scriptures say. But the other view is that one need not take these statements in a literal sense. At one point

of time, this universe did begin representing *kun* (i.e., be), and this resulted in *fa yakun* (thus it became). However, this does not imply that the entire universe came into existence in the perfect form as we see it today, without any process of evolution, gradual formation or death of stars and planets.

Both the Qur'anic words *kun* and *fa yakun* can be taken in allegorical sense too. An event in scientific language did take place with the big bang representing *kun* (if we accept the big bang theory) and then began the gradual evolution of the universe over billions of years representing *fa yakun*. It may appear rather far fetched for many theologians who take words of the Qur'an literally.

The Qur'an also says that the universe was created in seven days and that Allah created seven *samavats* (skies). The number seven (7) should not be taken literally but in the sense of several days or years. The Arabs often used seven or nine to represent several. Also, Qur'an makes it clear that what one counts as a day is thousand years with one's Lord. The verse (22:47) says, "And surely a day with thy Lord is as a thousand years of what you reckon". Allah's count is different from ours. We reckon time in terms of hours, days, months and years as per the solar time. But on a universal scale, solar time cannot be the real measure. This count of time is relevant for earth as a part of the solar system but it does not apply to the entire universe. It is in this light that we need to understand the Qur'anic statement that Allah created this universe in seven days.

For Arabs, who did not have a developed astronomy, Qur'an had to use figures which they could comprehend. The purpose of the Qur'an was not to teach Arabs the real nature of the uni-

verse, its evolution and time scale but to impress upon them the power of Allah (*qudrat*) in creating this universe. If Qur'an made statements like that of a scientist, neither was that the purpose nor would it be understood by the Arabs of primitive society.

The Qur'an, let us understand clearly, was addressing the Arabs in immediate context and hence it had to be comprehensible to them. But since it was not meant for them alone nor just for that time, it had to talk at different levels of intellectual comprehension. Even Arabs, the immediate addressees of the Qur'an, were of different calibres—from totally illiterate Bedouins to experienced Arabs of better intellectual calibre. Therefore, Qur'an used plain descriptive language as well as highly allegorical and symbolic language. It talked of immediate social and economic problem as well as of cosmic and other worldly issues. The Qur'an talks of creation, sustenance and end of this universe. It is not easy to describe all this in plain and direct language. Though these statements should not be treated as scientific in usual sense of the word, yet they should not be said to mislead others.

Difficulties were obvious. Firstly, as pointed out, the Qur'an was not a book of science but that of moral and spiritual guidance. Secondly, it often remarked on the beginning and end of universe, involving a timescale that was not easily comprehended by the Arabs of the time. Thirdly, no one could have thought of numbers in terms of billions and trillions involved in talking of beginning and end of universe. Even talking in terms of those numbers would not have served the purpose.

The purpose of Qur'an was moral and not scientific. Thus, it needed that kind of language which was not easy to use.

The statements exhorted people and yet were irrefutable in empirical sense. The Qur'an did it quite deftly and skilfully. For example, take chapter 85 "By the heaven full of stars and the promised Day."

And the bearer of witness and that to which witness is borne!

Destruction overtake the companions of the trench!

The fire fed with the fuel—

When they sit by it;

And they are witnesses of what they do with the believers.

And they punished them for naught but that they believed in Allah, the Mighty, the Praised,

Whose is the kingdom of the heaven and the earth. And Allah is witness of all things.

(1-9)

Some verses from chapter 78 are reproduced below to show the Qur'an's description of the end of universe and certain natural phenomenon on the earth:

"Of what they ask each other?

Of the tremendous announcement

About which they differ.

Nay they will soon know.

Have we not made the earth an expanse

And the mountains as pegs?

And We have created you in pairs,

And made your sleep for rest,

And made the night a covering,

And made the day for seeking livelihood

And We have made above you seven strong (bodies, planets)

And made a shining lamp (Sun)
And We send down from the clouds water pouring forth in
abundance,
That We may bring forth thereby grain and herbs
And luxuriant gardens.
Surely the day of Decision is appointed—
The day when the trumpet is blown, so you come forth in
hosts,
And the heaven is opened so it becomes as doors,
And the mountains are moved off so they remain a
semblance.
Surely hell lies in wait,
A resort for the inordinate,
Living therein for long years.”

(1-23)

This is the description of natural phenomenon of how Allah created the earth, planets, and solar system. It also explains the phenomena of rain and how earth grows grains, how truth will be revealed, mountains moved and spiritually dead rise to new life and who deny the truth are assigned to hell so that they feel intense heat of uncertainties and intellectual confusion.

It is a mixed description of natural phenomenon as well as moral exhortation. The natural phenomenon is described in simple language and according to day to day observation. It has no element of superstition. Qur'an does not deal with scientific theories but describes phenomenon accurately so that scientists can study them in depth and draw proper conclusion. It also encourages believers to think, reflect and analyse to enable them to understand the universe and its creator.

Thus, we find verses in the Qur'an which say,

“See they not camels, how they are created? And the heaven, how it I raised high? And how the earth is spread out?”

These verses require human beings to observe these natural phenomena so that they can reflect over them and discover what is hidden from common eyes. Qur'an's whole approach, it is important to note, is inductive.

Francis Bacon, who, in a way, is the founder of modern science, emphasized upon inductive logic in studying natural phenomenon and the universe. The Greek philosophers emphasized upon deductive logic. Deductive logic entirely depends on the basic premise and since no one questions the basic premise, the whole deduction can go wrong if the premise is wrong. Due to this, science remained static for centuries.

Inductive logic, on the other hand, does not depend on any such premise but on observation and hence it remains dynamic in nature. Conclusions change in keeping with observation. Deductive logic depends on speculative assumptions whereas inductive logic depends on empirical observation. Inductive logic is the very foundation of modern science.

It can be seen that Qur'anic approach is more conducive to development of modern science. Had Muslims followed this inductive approach they would have made many major discoveries. But unfortunately, as pointed out by Dr Muhammad Iqbal in his book *Reconstruction of Religious Thought in Islam*, Muslim philosophers and intellectuals were greatly fascinated by Greek philosophers like Plato and Aristotle who were founders of deductive logic and hence they could not achieve what Europe subsequently achieved.

It is true that Muslim philosophers and intellectuals contributed immensely to the field of science and philosophy and became harbingers of knowledge. As pointed out by the British historian HG Wells in his book *A Short History of the World*, Arabs were foster fathers of knowledge, their fascination for Greek philosophy and deductive logic, made them static. Europe, on the other hand, abandoned deductive logic in favour of inductive one and made great strides in modern sciences.

Also, add to this the decline of the Abbasid State whom the renowned historian Toyenbee refers to as “universal state” in Islam. This also gave a serious jolt to intellectual vigour and urge for discoveries and inventions and the Muslim society became static and conservative. The *Shari'ah* debated and science of Islamic jurisprudence took precedence over philosophical and scientific debates.

It was during this period of political decline that Imam Ghazali, a great philosopher and theologian, wrote his book *Tahafat al-Filasifa* (Random talk or smattering of philosophers). Ibn Rushd, renowned philosopher from Spain replied to Ghazzali through his book *Tahafat Tahafat al-Falasifa* (Randomness of Randomness of Philosophers) but was Ghazzali who influenced the Islamic world and not Ibn Rushd.

The Islamic world, when it reached the pinnacle of political power and developed a sense of security, contributed richly to the world of science. But with the decline of its power and rise of European power, it began to stagnate and never achieved those heights again. And as it happens, superstitions thrive in the time of insecurity; Muslims also developed superstitions directly in contrast to the Qur'anic approach.

These superstitions so overwhelmed the Islamic world that Muslim Ulama, during 18th and 19th centuries began to oppose all scientific inventions, dubbing them as non-Islamic. The Ulama, at one time also maintained that earth was flat and that it was sun which went around the earth and not vice versa, though there is not a single statement to this effect in Qur'an. On the contrary, Qur'an states that all stars and planets go round in their orbits.

In conclusion, one can say that religion should not be put vis-à-vis science but should be seen as a rich source of morality and spiritual growth without being opposed to modern science. In fact, if science adopts religious, moral and spiritual values it can really enrich humanity. But in the absence of these moral and spiritual values, science is being exploited as a powerful destructive force by people in power.

CHAPTER 9

Governance and Religion

Governance is an important part of modern state, whether democratic or authoritarian. Some people argue that an authoritarian form of state, if it governs properly and delivers its responsibilities in the right manner, is better than a corrupt and inefficient democratic state. But authoritarianism can be justified in every case. It is governance that is important.

Does religion, Islam or any other, play any role in governance? If so, what role does it play? Some may argue that religion is not only a matter of belief, but also concerns itself more with the world beyond this life. Belief in God, doctrines and rituals, all relate to the world other than than the actual, physical world one lives in. Religious dogmas are irrelevant to this world. However, the other viewpoint is that religion is a way of life and provides useful guidance for this worldly life. It intends to mould good moral character and helps lead a successful life and to this extent it is inevitably connected with matters of good governance. So,

it ensures that goodness is rewarded and evil is punished. One cannot lead a successful moral life, if there is no security of life and property, and if basic needs are not fulfilled. Thus, good governance enhances quality of life and becomes a factor in enriching one's spiritual life.

If the governors are morally upright and truly religious, people working under them will by far enhance quality of governance. Buddhism, for example, stresses compassion and elimination of suffering (*dukkha*). Thus, a governor believing in Buddhism will govern in a manner that the sufferings of people are eliminated. A follower of Jainism, similarly, will be seriously concerned with eliminating violence from people's life. A bad governance results in intensifying violence in society. A good Catholic will strive through governance to promote love in the society and thus, people will live in perfect harmony and good mutual relations.

Thus, it is seen that value addition by religions can be greatly helpful in improving quality of governance. But life is much more than mere ideals. There is constant hassle between ideological and personal interests. Had ideals alone determined human behaviour, this world would have turned into a paradise. The kingdom of God would, indeed, have descended on to the earth.

Human behaviour is by far the most complex of world's all phenomena. Various factors like social, cultural, historical, economic and political play their respective role in determining a person's conduct, behaviour and responses. No human being can live in vacuum. One faces pressure from all sides. Even when one intends to be honest and truthful, one may find it quite difficult. But most human beings easily submit to demands of

flesh and cannot resist temptation of good things of life. The governors, who possess power to realize what they want, find it all the more tempting to yield to pressure of their desire.

Thus, one finds much corruption even in religious establishments, which have been primarily established to fight evils in life and control desire. To control desire is the greatest jihad in life without which no governor can deliver. The greatest challenge in life is to resist pressures of one's desires and practice ideals of one's religion or political ideology. One does, nevertheless, sets ideals so that one can continuously measure one's behaviour vis-a-vis these ideals. Most of the time laws are breached, yet we need them. Religious teachings are sometimes disregarded and yet these teachings are essential to continuously strive to improve our behaviour.

Thus, these religious ideals can be helpful in improving our governance. We are not concerned here with dogmas and doctrines on which one may differ from another and even may not accept them at all. We are mainly concerned with values.

Islam tries to strike balance between the religious ideals and the other worldly life. It exhorts its followers to lead moral life on earth and also to prepare for the other world through '*ibadaat*' (various spiritual acts of worship). Qur'an, the main source of Islamic teachings, stresses cooperation on goodness (*birr*) and *taqwa*' (avoidance of evil) and prohibits them to cooperate with each other in sin and aggression. see (5:2)

Thus, it is obvious from the above verse of Qur'an that good governance is also dependent on people's cooperation in goodness and avoidance of evil, or sin and aggression. Aggression and violence upset the balance of life. The Qur'an also makes it duty

of every individual to enforce what is good and contain what is evil (*munkar*) (3:110). Thus, people have to engage themselves continuously in promoting good and containing evil.

People are an essential part of a good governance. Good governance is impossible without full cooperation of the governed. Every believer (*mumin*) has to enforce good and contain evil irrespective of her/his status in the society. No one, according to the Qur'an, enjoys higher status than the other except by virtue of doing good deeds. One is close to Allah when one is most pious. (49:13).

However, this does not mean that governors are devoid of responsibility. In fact, they are charged with grave responsibility in this respect. The Prophet of Islam (PBUH) provided the best model of a good governor. He himself lived an exemplary life, never misused his power to favour even his closest relatives. When someone came with recommendation not to punish a thief, the Prophet (PBUH) became angry and said he would not even spare his daughter if she committed a theft.

The rot is inevitable if one favours a few over others. The Qur'an lays down very rigorous standards of justice. Justice is the central value in Islam. No system can be stable without justice. *Adil* is another name for Allah and thus most fundamental to good governance.

The Qur'an says,

“O you who believe, be upright for Allah, bearers of witness with justice; and let the hatred of a people incite you not to act justly. Be just; that is nearer to observance of duty. And keep your duty to Allah. Surely Allah is aware of what you do” (5:8).

This Qur'anic injunction is universal in application. Both governor and the governed should be equally just. For a governor, even hatred of other people should not incite him to commit injustice to them. Thus, even enmity should not be allowed to commit an act of injustice which is so central for good governance.

One of the greatest obstacles against good governance is prejudice against people not belonging to one's community or caste. While they shower favour on people of their own community or caste, they deprive others of their just rights. Such acts are legitimized in various ways, sometimes in the name of merit and efficiency and most other times in the name of nation. Whatever the justification, injustice leads to turmoil in the society.

The Prophet was a highly just ruler. He followed Allah who is described by Qur'an as "Best of the Judges." The opposite of justice in Qur'an is *zulm*. The root meaning of *zulm* is darkness. Injustice always leads to darkness of oppression and exploitation in society. The Qur'an says:

"Allah is friend of believers and brings them out of darkness into light." (2:257).

Another important value in Islam is equality of all human beings. It is called *musawat*. The Qur'an says that

"All children of Adam have equal honour." (17:70)

No one can deprive human beings of this dignity given by Allah, their Creator. Thus, a ruler has to ensure equal dignity and honour to all in his regime. There should not be any distinction of colour, caste, creed, language, sex, religion, place of birth,

nationality or between man. Allah describes differences between various minorities and tribes thus:

“O humankind, surely we have created you from a male and a female and made you tribes and families that you may know each other. Surely the noblest of you with Allah is the most dutiful of you.” (49:13)

Thus, for a good governor distinctions based on tribes and clans should not matter and only one who is most conscious of his duties should enjoy highest and noblest status.

Similarly, the Qur'an describes diversity of colours and languages as signs of Allah (30:22) and not cause of inferiority or superiority over others. Such feelings of superiority and inferiority often results in injustices and brings turmoil in the society. Thus, an Islamic governance will make no such discrimination at all. It was this un-Qur'anic discrimination of Umayyad rule that resulted in highly oppressive regimes in the post-*Khilafat* period.

The Prophet (PBUH) maintained equality between members of all religions and tribes in matters of governance. He never discriminated between Muslims and non-Muslims. The *Misqa-t-Maqdina* is best example of this. He drew up pact between all communities and tribes living in Madina at that time. Ibn Ishaq, the earliest biographer of the Prophet has described this pact in detail.

Some of the clauses of this agreement were: 'Those Jews who follow us are entitled to our aid and support so long as they shall not have wronged us or lent assistance' (to any enemies against us) (Paragraph 16). They (i.e., Jews and Muslims) shall help one another in the event of any attack on the people covered by this document. There shall be sincere friendship, exchange

of good counsel, fair conduct and no treachery between them (Paragraph 37).

The Prophet (PBUH) even included pagans in this agreement. (Paragraph 20). This agreement became a foundational document of the new emerging state in Madina. RA Nicholson remarks

“...No one can study it without being impressed by the political genius of the author. Ostensibly a cautious and tactful reform, it was in reality a revolution.”

(See AA Engineer, *The Islamic State*, New Delhi, (1994, pp 20-21). This document gave a concept of a community which included Muslims, Pagans and Jews and shifted authority from tribe to this newly formed political community, thus creating a foundation of a central political authority which was secular in as much as it made no discrimination on the basis of religion.

Hazrat Ali, the fourth Caliph in succession to the Prophet, wrote a letter to Malik Ashtar whom he had appointed as governor of Egypt. This letter is of great significance on the subject of governance even in modern times. He writes to Malik Ashtar,

“Remember, Malik, that among your subjects there are two kinds of people: those who having the same religion as yourself and they are brothers unto you and those who have other religions than yours and yet are human beings like you; men of either category suffer from the same weakness and disabilities, either intentionally or foolishly and unintentionally without realizing the enormity of their deeds. Let your mercy and compassion come to their rescue and help in the same way and to the same extent that you expect God to show mercy and forgiveness to you.”

Ali also advises Malik “not to feel ashamed to forgive and to forget”. Do not hurry over punishment and do not be pleased

and proud of your power to punish. Do not get angry and lose temper quickly over the mistakes and failures of those over whom you rule. On the contrary, be patient and sympathetic with them. Anger and desire of vengeance are not going to be of much help to you in your administration.

He advises Ashtar against nepotism and negligence of duty to God and people. He writes,

“So far as your own affairs or those of your relatives and friends are concerned, take care that you do not violate the duties laid down upon you by God and usurp the rights of mankind, be impartial and do justice, because if you give up equity and justice then you will certainly be a tyrant and oppressor. And whoever tyrannizes and oppresses creatures of God will earn enmity of God along with the hatred of those whom he has oppressed”

...(See Hazrat Ali *Nahjul Balaghah* (Tehran, nd, p-485-86)

Thus, it is seen that be it the Prophet's agreement with Jews, Pagans and Muslims of Madina or principles of governance laid down in *Nahjul Balaghah*, the whole emphasis is on just governance of all without any distinction of caste, tribe or creed. This is also the principle of governance in modern secular democracy.

Also, for good governance there is a great need for complete freedom of conscience and fearless criticism of rulers. The Prophet (PBUH) says that the best form of *Jihad* (*afza al-jihad*) is telling truth on the face of a tyrant ruler. When people are deprived of their right to criticise rulers, the rulers tend to be more and more oppressive and exploitative. A democratic society is liberal in giving the right of criticism of rulers to its people, while the same is denied in an authoritative society. Thus, a

democratic regime is more Islamic than an authoritarian regime, if one goes by the Prophet's above *Hadith*.

After the Prophet (PBUH) comes the *Khilafat* period in which the four rightly guided Caliphs' rule reflected some of these Qur'anic values, though not all. The first Caliph Abu Bakr said, while assuming office,

“O people! Behold me—charged with the cares of Government. I am not the best among you; I need all your advice and all your help. If I do well, support me; if I commit mistake, counsel me. To tell the truth to a person commissioned to rule is faithful allegiance; to conceal it, is treason. In my sight, the powerful and the weak are alike; and to both I wish to render justice. As I obey God and His Prophet obey me; if I neglect the laws of God and the Prophet, I have no more right to your obedience.”¹

In the brief statement above Abu Bakr, the first Caliph has summarized the Islamic philosophy of governance. The main elements include; a) People should advise the ruler and help him discharge his/her duties; b) If the ruler governs well, support him/her, and if he goes wrong, counsel him/her; c) To tell the truth to the ruler is fulfilling one's duty and to keep silent when he/she goes wrong is treason; d) The powerful and weak should be equal in the sight of the ruler and he should deliver justice to both; e) If the ruler follows the God and the Prophet, one should follow him/her and if s/he goes against them, s/he will have no more right to people's obedience.

Abu Bakr says one very important thing: to keep silence when the ruler goes wrong amounts to treason, treason against

¹ See Sayed Akhtar Hussain, '*The Glorious Caliphate*', P-9

the God and His Prophet and against the people who are governed. Thus, without fearless criticism of unjust rulers, honest governance is not possible.

The Qur'an also commands the Prophet "And consult them (i.e., those around you) in (important) matters." (3:159). Dr Taha Hussain, an Egyptian scholar concludes from this verse that Muhammad (PBUH) did not found a theocratic state as the Prophet has been commanded to consult people around him in important matters. He writes that nothing can be more misleading than the concept that the state founded by the Prophet was a theocratic state.

According to Dr Taha, Islam after all is a religion which lays emphasis on the unity of God, prophethood (of Muhammad) and then on righteous living. It also drew attention towards this and the other worldly life, but it did not deprive human beings of their freedom. And it (Islam) did not become an absolute master of man nor did it suspend his initiative to act; it, on the other hand, made him the master within certain limits. It showed what was desirable and what was repulsive and of course, it laid emphasis on reason and gave freedom (with the help of reason) to think what was good to the extent possible. The God commanded the Prophet (PBUH) to counsel the faithfuls in (their) affairs. If everything had to be decided in the heavens, there was no need to consult anyone.²

Thus the Qur'an, according to Taha Hussain, balances between God's limits and human reason and freedom according

² Dr Taha Hussain, *Al-Fitnat al-Kubra* Vol I *Uthman*, Urdu translated by Abdul Hamid Nomani, Bombay (nd) pp 28–29.

to their needs within these *hudud* fixed by Allah. Thus, in the matter of governance influence of these *hudud* is quite inevitable. Any governance, which ignores these limits is bound to lead to turmoil and chaos in the society.

According to the Qur'anic *hudud* governance implies great responsibility, as pointed out by Abu Bakr also, towards the weaker sections of society. In chapter 107, we find condemnation of those who neglect these sections of society.

Qur'an maintains that the struggle between the powerful and the weak is eternal and that Allah is on the side of the weak (*mustad'ifin*). Allah intends, according to the verse (28:5), to make the weak the leaders and inheritors of this earth. Thus, any governance, which is based on favouring the powerful and arrogant sections of society is bound to attract Allah's wrath.

Today governance, more so in the Islamic world, flagrantly violates this cardinal principle of Qur'an and *Hadith*. Over the centuries through the medieval ages, the people have become docile and submit to tyrannical rule. This is one reason why one finds lack of democracy in the Islamic world. Generally, it is alleged that Islam finds democracy rather ill suited to its teachings. Nothing can be farther from truth than this.

If democracy means participation of people in governance, Islam is the first religion to emphasize that. Imam Ghazzali even maintained that it is *haram* to see face of a tyrant ruler. The Qur'an strongly favours weaker sections of society and makes justice as inevitable part of believer's conduct.

Qur'an not only accepts human dignity but also emphasizes it in verse (17:70) and also guarantees freedom of conscience in (2:256). It is true that right from Umayyad period, the Muslim

rulers did not follow these cardinal principles and developed highly authoritarian rule.

It is for the Muslim Ulama and intellectuals to attempt an honest critique of this authoritarian rule and develop a model which is in accordance with Qur'an on the one hand, and on the modern concept of human rights and human dignity and freedom on the other. It is regrettable that Muslim intellectuals have also failed in their duty to attempt a systematic critique of governance in Muslim countries and have meekly submitted to tyrannical authorities. We often talk of Prophet's *sunnah* but have not taken seriously his assertion to speak truth in the face of a tyrant ruler.

Today's governance is not possible without the concept of gender justice and women's empowerment. One must admit that Islamic world is lagging far behind in this respect though some progress of late has been made although grudgingly. The Islamic world still tends to be highly patriarchal and has serious reservation in giving women their due. They are suppressing, and it is most ironical, Qur'anic rights of women in the name of Qur'an.

The Qur'an, empowered women by giving them, in the history of humankind, equal dignity. What is more important is that Qur'an has made obligatory on women what it has made obligatory for men including zakat, a poll tax. How can then anyone seriously maintain that women are secondary to men. Some verses are selectively projected to prove a partisan point rather than evolving an over all Qur'anic approach.

In order to develop just governance justice will have to be given priority over many age-old traditions. Justice is highly

emphasized in the Qur'an. Unfortunately, in many *Shari'ah* laws given social traditions have assumed much greater importance over justice, which is so fundamental to Qur'anic teachings. Justice to weaker sections is a must according to the Qur'an and women also belong to weaker sections in our societies.

Conclusion

From what is discussed above is evident that religious values can have benevolent effect on matters of governance. What our traditional Ulama do is to insist on traditions than these Qur'anic values. Traditions are time bound whereas values are transcendent. While traditions emphasize '*what is*', values emphasize '*what should be*'. Thus, values are more important than traditions. Unfortunately, the Islamic world is still strongly tradition bound than value bound. And here modern Muslim intellectuals have to play a constructive role by critiquing these traditions.

Those traditions, which are in keeping with values, could be retained but those which are opposed to these traditions must be rejected. Traditions are local and values are universal and hence local cannot over ride universal. Also, most of the Muslim regimes are authoritarian and justify this in the name of Islam and Qur'an. No authoritarian regime, which denies basic human rights and freedom to speak truth, can have any place in modern world, particularly, the one based on Qur'anic values. Earlier we change better it is. Islam can and must play an important role in evolving good governance in the Muslim world.

All those states that claim to be Islamic in modern times are far from being Islamic as described above in the light of Qur'an

and Prophet's *sunnah* or other documents like letters of Hazrat Ali. These states are nothing but an attempt by dictators and kings at legitimization of their unjust, tyrannical rule violative of all Qur'anic norms of governance. The emphasis of these so called 'Islamic states' is on punishment and *hudud* laws than on justice and human rights. The modern revival of the concept of Islamic state is nothing but an attempt to maintain their authoritarian and corrupt rule in the name of Islam. These rulers should follow the advice of Hadrat Ali in the letter to Malik Ashtar which is such a valuable document for just governance.

Section II
MICRO VIEW

CHAPTER 10

Islam and Feminism

Is there anything like Islamic feminism? Most Islamists maintain that Islam and feminism are contradictory and hence cannot co-exist. For them, feminism is against teachings of Islam and is followed by those women who are westernized. They want to stick to Islam only in name, say Ulama with contempt. According to them, women are subservient to men and should accept the authority of their husbands, fathers or brothers.

A deep observation of Qur'anic verses, however, indicate the contrary. Qur'an firmly upholds dignity of women as that of men. It does not discriminate between the sexes. It is social environment in which *Shari'ah* formulations were made that is responsible for Islamists' viewpoints about women. Present social environment is radically different and women's awareness of their rights has increased phenomenally.

The need of the hour is to revisit *Shari'ah* formulations and attempt to reformulate issues in the light of contemporary social

milieu. After all, the great Imams themselves had formulated issues in respect of women's legal and moral status in medieval setup. The only condition is such reformulation or re-thinking should be in the light of the Qur'an.

One should not be scared of the word 'feminism' as our Ulama tend to be. Feminism is all about women's rights. The Qur'an is so much concerned about women's rights that it will not be wrong to say that it is the Qur'an that preached feminism for the first time and the Prophet was the first feminist ever. Obviously, "feminism" is not an old *Shari'ah* term. But new terms are always welcome. The term human rights does not exist in *Shari'ah* but today the term "Islamic human rights" is being freely used. Why not "Islamic feminism"?

What is Feminism

Feminism is nothing but a discourse on women's rights in modern context. For all these centuries women were treated as subordinate to men. And this was thought to be quite natural. Women were confined to home and hearth and were not allowed any public role in general though there might have been a few exceptions. Generally, women were not given education. A woman was expected to be "angel in the house" and supposed to perform all domestic chores with equal ease. Such a woman was considered to be an ideal wife.

Her maximum achievement was limited to domestic field. She had no individuality of her own. She was extension either of her father, brother or husband. She could be consulted but could not take any decision herself. Decisions were ultimately

taken by her father, brother or husband. Even if she did, she could easily be overruled. She had no right to earn her own living. It was thought against family pride to make her earn. This was interpreted as husband's inability to maintain his wife. Even today many husbands stipulate condition at the time of marriage that their prospective wives will give up her job after marriage.

All this has gradually changed in the modern society. Literacy has become universal. Even most orthodox families now send their daughters to schools and colleges. In fact, certain statistics clearly show that the percentage of girls graduating even from among backward Muslim communities is more than boys.

Earlier, primary education was considered more than enough. Coeducation was a "sin". Today, Muslim girls are at par with anyone in the society and do not hesitate coeducation. We have to remember that society is not static. Unfortunately, our dyed-in-the-wool orthodox Ulema, thinks society is static and any change is unacceptable. They have frozen society to the early Islamic period.

Ulema's attitude may well be frozen and not Muslims' attitude. The community is accepting changes and adjusting itself to the changing world keeping its Islamic conscience intact. All changes are not bad or non-Islamic, those non-Islamic could surely be rejected. Feminist discourse is not unacceptable to one who cares for one's Islamic conscience. Every knowledgeable Muslim has the right to decide, there being no priesthood or church in Islam. Even a fatwa by most learned *alim* could be rejected by a Muslim who does not agree with his opinion. Of course, there are less informed Muslims who might consider these fatwas as binding.

With increase in awareness and sources of knowledge, most Muslims today find their outlook changed. It is also important to note that the Ulama are accepting modern technology as and when it suits them. For instance, today Internet and e-mail networks are being utilized by the Ulama to spread orthodoxy. But it is not going to consolidate orthodox positions in the long run. As Marshal McLuhan, an American sociologist, put it in the seventies “media is the message”. The modern media being used by orthodox Ulama remain uninfluenced by the modernity of the medium, but it will impact their minds which will bring change in their attitudes.

The Ulama are accepting divorce through SMS, which, Islamically speaking, is most unjust and non-Islamic. It is unfortunate that they find any modern technology, which can perpetuate orthodoxy, acceptable but not those values, which uphold the real Qur'anic spirit of justice.

The modern feminist discourse is based on justice. Suppression of women's rights is gross injustice and, feminism rejects it. All serious students of Qur'an are well aware that justice forms core value of Qur'an. Anything unjust is *zulm* (oppression) in the Qur'anic terminology. How then can the feminist discourse be construed as non-Islam?

Today, it is considered a fundamental right to acquire education for women. Is not acquisition of Islamic education an Islamic right? The Prophet (PBUH) made it obligatory both for men and women to acquire knowledge '*talabul 'ilm faridatun 'ala kulli muslimin wa muslimatin*' (acquisition of knowledge is obligatory on every Muslim man and woman). Still the orthodox Muslim society strongly resisted providing education to their

womenfolk for several centuries. How “Islamic” was their stand, which was perpetuated in the name of Islam?

Could not campaign for modern education for Muslim women become an issue of Islamic feminism? Today, even in a bastion of orthodoxy like Saudi Arabia women graduates are more than fifty per cent. And it is not only in religious education but in modern university education too. The Saudi women are no more confined to the fields like education and medicine, they are now going in for aviation training, business management and so on. Although the Saudi women are still far behind their sisters in other fields in other Muslim countries but change is more than perceptible. It is, in fact, inevitable.

The Qur’an also does nowhere restrict knowledge to men alone. In fact, *ilm* (knowledge) is most central to Qur’anic teachings. Allah is also repeatedly described in Qur’an as all-knowing and urges upon all Muslim men and women to acquire knowledge. It was male dominated Muslim society, which restricted knowledge to men and deprived women of their fundamental right to acquire knowledge.

Islamic vs Western Feminism

One must of course, make distinction between Western and Islamic feminism. Western feminism today is very much influenced by its consumer culture. In consumer culture, instant gratification is central and values quite marginal. Islamic feminism, on the other hand, is based on values and these values are quite central. For example, women are not commodities and their bodies cannot be commercialized.

In Western feminist discourse, women possess power of their bodies implying that they are free to let their bodies be used for any purpose, including commercial, if they so decide. Thus, they are free to allow their semi-nude bodies for commercial ads, or even for free sex. Thus, they have unrestricted rights over their bodies, not circumscribed by any values.

These women can even opt for what is called “live-in” relationship without any formal marriage. Adulterous relationship is common. Islamic feminism does not allow this. It does not mean that the women are not owners of their bodies. Of course, they are, but subject to certain fundamental values prescribed by the Qur’an.

These values are prioritized over ownership of the body. Freedom without values and sense of responsibility becomes licentiousness. Hence, all human bodies including those of men are subject to fundamental values. For instance, one cannot use one’s body for sex before marriage. Sex for mere pleasure is unIslamic. Sex primarily is for perpetuating human species and this can best be done through marriage and family. In western feminism, family has lost its relevance and a woman is entitled to sexual pleasure for pleasure’s sake. Sexual pleasure is not the tool for raising family but an end in its self.

In Islamic feminism, however, sexual pleasure is a tool, not an end. Notably, Islam does not deny women right to sexual pleasure though it does not reduce it to an end in itself. Some Muslims go for female circumcision to deprive her of sexual pleasure. It is more of a tribal custom than any religious injunction. It is not commonly acceptable. It is unjust to deprive a woman of sexual pleasure. Islamic *Shari’ah* also clearly lays down

that if a man hides his impotency from his bride at the time of marriage and she discovers it after marriage, she is fully entitled to a divorce on that ground.

A woman is owner of her body. She cannot be compelled for sex, if she is unwilling. Sex in marriage also has to be with the consent of both the partners. Islamic feminism, however, may not go as far as admitting "marital rape", as in Western feminism. But that does not mean husband has absolute right over his wife's body. Husband's rights are also subject to certain value-based conditions.

One can, however, quote the Qur'anic verse (2:223) that "Women are like tilth and go to your tilth when you like and send (good) beforehand for yourselves".

Some feminists might maintain that this verse goes against her dignity as she is like a ploughing field and he can go to his field whenever he pleases. Firstly, this verse should be read along with the preceding one, i.e., verse (222) which prohibits a man to go near her when she is undergoing her period and also instructs man not to go near her as Allah has commanded to respect her dignity.

Secondly, a woman being a field for man only means she conceives after man's seed is implanted into her womb. It is she who conceives and rears children.

In many religious traditions earth is regarded as mother, as it grows food to sustain human beings. Similarly, woman resembles a field as she conceives and gives birth to perpetuate human species. In no way does it lowers her dignity. In fact, it only enhances her respect. One has to properly understand the context in which it has been said.

Another verse that is grossly misunderstood is (4:34), which implies that a woman is subordinate to man. This verse also should be read along with (33:35), which clearly establishes Islamic feminist point of view that a woman is equal in every respect to a man. There is no question of her being subordinate to man, much less, his property.

No Qur'anic verse should be read in isolation and this is precisely what the orthodox Ulama do. They highlight one verse and suppress the other, in keeping with their prejudices against women. The prejudiced view regarding women—they are inferior, they are created for serving men and it is their Islamic duty to obey their husbands—are not on account of Islam but on account of the social ethos they are surrounded with.

Need for Islamic Feminism

Why use the term Islamic feminism? What is its need? Before we answer this question let us discover why feminist movement arose in the West? When women were educated and their awareness of equality with men found no response in the society and they found themselves subservient to men, an aggressive feminist movement arose. Women found that they do not even have right to property and they have not been enfranchised in many Western countries. Women in Europe got right to property as late as 1930. Neither they could be elected to high political offices, nor could they become peers to men in higher corporate structures. So they began demanding their rights.

Some extremist feminists even began to burn bras as they thought they were being reduced to sexual dolls. Even though

women continue to be objects of lust, feminists have developed more balanced viewpoint. Women's position today has improved, thanks to pressures of the feminist movement. Still in most western countries women are not elected to high political offices.

In Muslim countries, the situation of women is despicable. In Saudi Arabia, they are not allowed to vote. They are not even allowed to drive. Women in Kuwait won right to vote recently, after a prolonged struggle. In several Muslim countries such as Egypt, Jordan, Pakistan, etc., women continue to be killed in the name of family honour if they try to marry a man of their choice or even found talking to some male friend.

There is, thus, an urgent need for Islamic feminist movement. Islam has given them rights like right to marry, right to divorce, right to own property, right to earn their own living, right to education and right to inherit. Unfortunately, all these rights are being denied to them by the so-called keepers of faith. In Islam these rights existed all along but the male-dominated society never allowed women to avail them.

Not long ago, the leading Islamic seminary in Deoband issued a fatwa that Muslim women cannot contest elections but modified it later by saying they have to observe veil while campaigning. It is also to be noted that there is no concept of veil in the Qur'an, there is only the concept of dignified dressing. However, Muslims everywhere force veil on their women. The Qur'anic verse (24:31) makes it very clear that what should be displayed and what should not be displayed.

The Islamic feminist discourse has to articulate all these rights given to women by the Qur'an and if there happens to be any grey area, it has to be subjected to fresh interpretation in

the light of contemporary developments. Such a discourse does not deviate from the Qur'anic rights and at the same time does not accept male point of view through interpreting the Qur'an. Women must not only acquire Qur'anic scholarship but should also display courage in reinterpreting Qur'anic verses relating to women and develop a Qur'anic feminist narrative.

However, it is high time that Muslim women acquire deep Islamic scholarship, mastery over Qur'anic and Arabic knowledge and launch Islamic feminist movement. Marriage in Islam is not a subordinate relationship between a man and a woman but an equal partnership. Both being part of mutual obligations. She cannot be divorced arbitrarily, as is the practice today. Marriage has been described by the Qur'an as "strong bond" (4:21), which one cannot break at husband's whim.

Moreover, Islamic feminist discourse should empower women to make their choice whether they want a child or not on grounds of health, family size and economic capability. A man cannot force woman to go on bearing children, as she is much more than a child-bearing machine. An Islamic feminist discourse has to be pro-choice for women. Thus, Islamic feminist discourse is not only justified but is also quite essential to empower her and enable her to achieve full human dignity as accorded to her by the Qur'an.

CHAPTER 11

Islam and Punishment for Apostasy

Abdur Rehman, an Afghan from Afghanistan, embraced Christianity while he was in Germany. On his return, he found himself behind the bars. Reason: He had abandoned his belief. He was charged with apostasy and declared an apostate, also called *murtad*. His punishment: Death, referred to in Islam as *irtidad*. After drawing flak from human rights activists worldwide, the sentence was reversed and Abdur was released on grounds that he was 'unstable'. Unstable or not, this led to a debate whether Islam permitted death for apostasy?

For Islamic law, as is well known, there are two principal sources, Qur'an and *Hadith*, and two subsidiary sources '*Qiyas*' (analogy) and '*Ijma*' (consensus). Both are human. However in Shia'ah Islam, '*Qiyas*' and '*Ijma*' are not accepted. Here Imam of the time is considered an authority for pronouncing a law. In the absence of Imam a '*Mujtahid*' (interpreter of Qur'an) and Sunnah lays down the law.

Thus, of the two principal sources the Qur'an is divine and is primarily relied upon on any issue. If there is clear pronouncement in the Qur'an it is sufficient to lay down the law; if not, *Hadith* is consulted. If it is not found in either then a jurist '*faqi*' relies on his analogical reasoning and tries to develop consensus around it. The real problem arises when *Hadith* is in contradiction to Qur'an. While some jurists insist that *Hadith* be rejected in such cases, there are others who maintain that *Hadith* should supersede Qur'an. If the Qur'an is silent on the issue, then of course *Hadith* remains the only source.

Punishment for *irtidad* is based on *Hadith*, not on Qur'an.

Qur'an and Apostasy

Even if one relies on *Hadith* for legislating on some important issue and there is no direct pronouncement of it in Qur'an, one still will have to look for the principles laid down in Qur'an while making the law. Like, for instance, there is a clear mention of Freedom of conscience in Qur'an. It is stated in a number of verses, which are often quoted by those developing theories of Islamic human rights. One of these verses states, "there is no compulsion in religion" (2:256) and "for you is your religion and for me is mine" (109:6).

Both these verses lay down the principle that one is guaranteed freedom of faith and conscience. There is no question of any compulsion in the matter of faith. In fact, this is a very important principle because for genuine faith one has to choose it freely. Most of us believe in a faith not because we have chosen it freely, but because we have accepted it by way of our birth.

Those who adopt a faith after a deep study and as a matter of choice are far better qualitatively.

There are other verses in the Qur'an which negate coercion or compulsion. For example, in the verse (49:14) when some Bedouins became Muslims and called it '*aamanna*' (accepted faith), Qur'an pronounced that they had not accepted faith, but had only submitted ('*aslamna*'). The verse (49:14) reads as follows:

“The dwellers of the desert say: We believe. Say: You believe not, but say, we submit; and faith has not yet entered into your hearts. These Bedouins had submitted (i.e., accepted Islam) impressed by victories of Islam but had not become genuine believers as '*iman*' (faith) had not really entered their hearts. One can become a true believer only when faith enters one's heart and that can happen only by exercising genuine freedom, not because of social pressure or coercion or convenience.”

The Qur'an proved right: Many dwellers of desert (Bedouins) had submitted to Islam without genuine faith in their hearts. When the Prophet (PBUH) died, they thought Islam had lost its power and went back to their old faith. It is referred to as '*riddah*' (going back) in Islam. The Caliph Abu Bakr declared war against them which is called war of '*riddah*' i.e., war against those who went back on their faith.

This clearly shows that one who accepts faith out of some compulsion can never genuinely and firmly believe in it. At the first opportunity, such a person will renounce his/her faith. The war of '*riddah*' appeared more a political act than a religious one. Many people had renounced Islam collectively and it had created instability and turmoil in the nascent Islamic society. It was a serious threat to social order. It was not a punishment for a

person renouncing faith. Thus, it was not an act of a person but a political rebellion, which called for political action to stabilize the nascent society. If it had not been put down it would have not only shaken the very foundation but would have also restored pre-Islamic tribal order and shattered the unity created by Islam. The tribals were also refusing to pay 'Zakat' (alms), which was the very foundation of Islamic finances and treasury of the state.

Allah clearly says in the Qur'an that it was not difficult for Him to make all unbelievers believe in Islam but He left it to individuals to choose their belief. Qur'an says:

"If Allah had pleased they would not have set up (other Gods with Him). And we have not appointed thee a keeper over them ('*hafeez*'), and thou art not laced in charge of them ('*vakeel*')."
(6:108)

The Qur'an tells the Prophet (PBUH) not to worry if they (unbelievers) do not believe in Islam. Allah has given all reason, eyes and ears to people and it is for them to decide whether to believe or not to believe. If they are coerced into believing then they will not be responsible for their actions. It would be sheer determination ('*jabr*') and Allah cannot punish them for their 'unbelief'.

Thus, we find in Qur'an:

"Clear proofs indeed have come to you from your Lord; so whoever sees, it is for his own good; and whoever is blind, it is to his own harm. And I am not a keeper over you." (6:105)

The Qur'an gives freedom to human beings to believe or not to believe and face the consequences if they do not believe. How a person can be punished by Allah if s/he is not free to believe or do not believe. Again it is the Qur'anic pronouncement that:

“He who does an atom’s weight of good will see it. And he who does an atom’s weight of evil will see it.” (99:7-8)

This pronouncement of the Qur’an clearly holds a person responsible for all actions even of an atom’s weight. Thus, coercion and compulsion have no meaning at all. Qur’an, therefore, not only does not prescribe any punishment for apostasy it is against any such punishment. In fact, it is Pharaoh who coerces people not to accept faith. He told his followers when they accepted Moses’s faith, “You believe in Him before I give you permission.” (7:123) and then he terrorises them, “I shall certainly cut off your hands and your feet on opposite sides, then I shall crucify you all together.” (7:124)

Pharaoh believed in coercion, not Allah. Allah only sends His Messengers to guide people and leave it to them to accept or not. He only warns them of the consequences of not believing. Thus, the Qur’an says,

“And say: ‘The Truth is from your Lord; so let him who please believe, and let him who please disbelieve. We have prepared for the iniquitous a Fire, an enclosure of which will encompass them.’” (18:29)

It is for Allah to punish, not for any human being. And there is complete freedom to believe or not to believe.

The Qur’an says:

“Those who believe then disbelieve, again believe and again disbelieve, then increase in disbelief, Allah will never forgive nor guide them in the (right) way.” (4:137)

The Holy Book also says,

“If Allah so desired all those who are in the earth would have believed, all of them. Will you then force people till they are believers?” (10:99)

Many more such verses can be quoted from the Qur'an which clearly give the option to the people to believe or not to believe.

In yet another verse Qur'an says,

“Those who disbelieve after their believing, then increase in disbelief, their repentance is not accepted, and these are they that go astray.” (emphasis added) (3:89)

This is clearly the case of *irtidad* but Allah does not prescribe death for it but only says repentance will not be accepted. In view of such clear exposition how can one maintain that one who becomes apostate should be punished with death? Such a punishment goes completely against the principle of freedom of faith laid down in the Qur'an. Since, according to Qur'an, human beings are responsible for their acts, they have been created free and only a free agent can be held responsible for ones acts, good or bad. This is quite clear from the story of Adam who was warned not to go near a tree in paradise but was left free to decide. And he decided to taste the fruit of the tree and as a result was expelled from it. This story establishes the principle of freedom of choice in the Qur'an. The Qur'an's approach in this respect is quite clear and has no ambiguity whatsoever.

Qur'an Misinterpreted

Maulana Maududi, founder of the Jamat-e-Islami, claims that Qur'an prescribes death sentence for apostasy. He quotes the verse (9:11-12) and argues that Qur'an prescribes death sentence. It is surprising how an Islamic scholar of Maududi's stature and acclaim can confuse things to such an extent. These verses were revealed in 9 AH when Allah ordered Muslims at the time of

Haj to declare immunity. In fact, these verses refer to the pact which Muslims had with the people of disbelief and must be read together from 7 to 13 to grasp their significance. These verses do not refer to any case of individual apostasy at all. These clearly refer to the pact with certain people collectively and hence the Qur'an uses the words '*wa in nakathu aymanahum*' (if they break their oath and not becoming *murtad*). And verse (9:12) does not say kill them but says fight them. Had it been referring to killing an apostate, it would have used the word *uqtulu* (kill them) and not *qatilu* (fight them).

The use of the word *qatilu* on breaking the oath itself shows it does not refer to apostasy at all. Also, if we examine the verse (9:13) it becomes further clear. The verse 13 reads as under:

“Will you not fight a people who broke their oaths and aimed at the expulsion of the Messenger, and they attacked you first? Do you fear them? But Allah has more right that you should fear Him, if you are believers.”

Thus, there remains no doubt that Qur'an does not prescribe any physical sentence, much less death sentence for apostasy. It is purely a matter of one's conscience and Allah alone will punish those who renounce the right path. Says verse (5:54),

“O you who believe, should any one of you turn back from his religion, then Allah will bring a people, whom He loves and who love Him...”

Here in this verse the Qur'an has used the word *yartadda* (one who turns back from ones religion i.e., one who commits apostasy) but clearly leaves the matter to Allah, instead of prescribing death sentence.

Hadith and Apostasy

A few *Hadith* are quoted in favour of death sentence for apostasy. One of them from *Sahih al-Bukhari* (Vol. 9, book 83, number 17) says,

“Allah’s Apostle said, the blood of a Muslim, who confesses that none has the right to be worshipped but Allah and that I am His Apostle, cannot be shed except in three cases: In Qisas for murder, a married person who commits illegal sexual intercourse and the one who reverts from Islam (apostate) and leaves the Muslims.”

Unlike in *Hadith*, Qur’an does not prescribe death sentence for *zina*, i.e. adultery or rape or fornication. It prescribes only 100 lashes. Also, Qur’an unlike *Hadith* does not prescribe death sentence for apostasy.

Battle for Supremacy

Can *Hadith* supersede Qur’an? There are some who believe in *Hadith* prevailing over the Qur’an. But for most Muslims it is not acceptable. While *Hadith* is a controversial area there is complete unanimity about Qur’an worldwide.

There is punishment by *rajm* (stoning to death) for adultery is also very controversial area. It is not commanded by the Qur’an. Hazrat Umar, the second Caliph is quoted as having said that the verse for stoning to death was there in the Qur’an during the Prophet’s (PBUH) time and we used to recite it but now it is not there but it is applicable even today.

If this is accepted then whole Qur’an can be in danger. We strongly believe that nothing which was there in the Qur’an, has ever been deleted, not even a dot. If what Hazrat Umar

says is true then what stopped him from re-introducing it into the Qur'an? Every verse which was revealed to the Prophet was committed to the memory by his companions and during Umar's time all those companions were alive and they could have recited the verse as it was revealed and when Hazrat Uthman, the third Caliph who compiled the final copy of the Qur'an could have easily included it into his compilation which was unanimously accepted by all Muslims.

It is difficult to accept *Hadith* as proof of punishment of death for apostasy. The *Hadith* which is quoted for punishment by death is as follows: Narrated 'Ikrama: 'Ali burnt some people and this news reached ibn 'Abbas, who said,

"Had I been in his place I would not have burnt them, as the Prophet said, 'Don't punish (anybody) with Allah's punishment. 'No doubt, I would have killed them, for the Prophet said, 'If somebody (a Muslim) discards his religion, kill him"

Sahih Bukhari Volume 4, Book 52, chapter 149, Number 260, pp-160-161)..

Firstly, this *Hadith* presumes that ibn Abbas knew more about Prophet's (PBUH) *Hadith* than Ali whom Prophet (PBUH) described as the door of the city of knowledge and I (Prophet) as the city of knowledge. How can Ali burn apostates? Ali is known for his passion for justice. Burning is a very cruel way of killing someone. And what is worse, there is no mention of any trial or confession or anything and he just burnt them? If Ali could do this what about lesser Muslims?

There are other *Hadith* as well of this nature. The Prophet (PBUH) is reported to have said that 'kill one who changes his religion' (*uqtulu man baddala dinahu*). All these *Hadith*

contradict Qur'an and cannot be acceptable. Moreover we are not told the context of such a *Hadith* when and in what circumstances the Prophet ordered killing a person for changing religion. May be such a person was suspected of some serious conspiracy against Islam and Muslims. Sedition is punishable with death even in modern laws. Was the execution ordered for sedition or for change of religion? No such context is available in respect of such *Hadith*.

Certain things are said in some context and without understanding the context it is disservice to Islam to apply them blindly. If we quote the final verdict of execution by any judge without going into circumstances and evidences examined by the judge and then apply it to other case, it will be gross injustice.

Islamic scholar Allama Yusuf al-Qardawi says in his book *Jareemat ar-riddah wa al-Murtadd* (Crime of Apostasy and Apostate):

“We should not confuse the issue of killing of *murtad* with freedom of conscience guaranteed in the Qur'an. *Qatl-e-Murtadd* can be valid only if there is some serious threat to Islamic state or social order.”

Thus, no *Hadith* should be applied without thoroughly understanding its context. Today, we are living in a democratic set-up where certain rights of individual are sacred and indeed we can better appreciate the Qur'anic principles today. Our medieval ancestors lived in feudal order and may not have fully appreciated the true Qur'anic spirit despite their sincerity and commitment to Islam.

Today, human rights are of vital importance and these rights have to be quite compatible with Islam. And, if some Ulema

insists on death sentence for apostasy it is not only crime against freedom of conscience and democratic rights but also serious disservice to Islam. There are people trying to prove Islam as 'religion without any regard for human rights' and that only Ulama know final verdict of Islam.

Qur'an repeatedly denounces hypocrisy. If we force a person not to renounce Islam for fear of death, are we not creating more hypocrites in Islam and Islamic society? One can be a true believer only if one's heart and mind accept the faith, else it would merely be a mechanical act.

If we force some people to remain Muslim in the face of pain of death, it will breed in them not only resentment but also hatred for Muslims. This can be dangerous for any society. We should today try to produce better quality Muslims who understand the true spirit of Qur'an and Qur'an's emphasis on key values such as justice, benevolence, compassion and wisdom. If we stick to these Qur'anic values we will be greatly respected in the modern world.

CHAPTER 12

The Institution of Fatwa

In recent times, fatwas created a great deal of controversies especially, in India. The institution of fatwa is not new. It is as old as Islam itself though its institutional patterns have varied from time to time. The institution of fatwa (called *dar al-ifta'*) has been quite integral to Islam.

Islam originated in Arabia, where no state institution existed. It was a tribal society driven with inter-tribal feuds. There were no written laws except oral traditions and established customs. Nothing if it did not fit into their oral tradition was acceptable. But also due to international trade of which Mecca was an important centre, tribal structure was breaking down and new inter-tribal business corporations were developing.

This created certain social needs, which could go beyond oral traditions and established customs. Islam, in fact, fulfilled this need. Islam was a religious as well as social movement. It provided written laws in the form of Qur'an. Qur'an, of course, did not

contain laws drafted by human beings but was based on revelation through the Prophet (PBUH). It had both moral as well as legal pronouncements. It was for the first time that Arabs got laws written and could go beyond oral traditions. This, however, was hardly adequate for developing socio-economic relations.

Many of the Qur'anic legal pronouncements were a result of questions put to Prophet. Prophet received revelation in response to those questions. This was the beginning of the setting up of the institution of fatwa. People asked questions and some authority answered them. During the life time of the Holy Prophet there was no authority greater than him and since he was alive people went to him and sought solutions to their problems.

Many of the Qur'anic verses begin with '*yasalunaka*' i.e., they ask you. For example, the Qur'anic verse about moon that begins with '*yasalunaka*' is as follows:

“They ask you about the new moons. Say: They are times appointed for people, and (for) the pilgrimage.” (2:189)

Arabia being a non-agricultural area had no systematic calendar as was in India or Rome. Its festivals were connected with agricultural operations that depended on fixed seasons. Though there was a need for a solar calendar, no such need was felt in Arabia, as it followed the practical method of beginning the month by sighting the moon. On asking the question about the moon the Qur'an replied accordingly.

There are other problems too dealt with by Qur'an in response to such queries. When some people asked the Prophet (PBUH) about wine and gambling and what to spend in the way of Allah, the Qur'an provided the reply. This verse also begins with 'They ask you'. It says:

“They ask thee about intoxicants and games of chance. Say: In both of them is a great sin and (some) advantage, for people, and their sin is greater than their advantage. And they ask thee as to what should spend. Say: What you can spare. Thus, does Allah make clear to you the messages that you may ponder.” (2:219)

Many such other questions were asked and Prophet replied through the agency of revelation. Sometimes he himself replied without waiting for revelation. Such replies go under the category of the *Hadith*. Also his companions observed what the Prophet did. What the Prophet said and did came under the category of *sunnah*.

When the Prophet was alive people asked him and he replied either himself or through the agency of revelation. And after his death, Qur’an and *Hadith* or *sunnah* became the principle source of legislation and also answering questions raised by Muslims from time to time. Immediately, after the death of the Prophet most of the questions were directed to either his successors (known as Caliphs) or his knowledgeable companions.

Since most Arabs had embraced Islam by the time the Prophet (PBUH) died, they felt the need for knowing Islamic laws and matters permitted or prohibited. They were converted to Islam but hardly knew Qur’an and *sunnah* and, hence, when they faced some problem they went to these companions and asked questions. When they got replies they would act according to that.

Fatwa literally means legal decision and *istifta’* means asking for legal opinion. Thus, came the institution of fatwa into existence. As we consult a lawyer when faced with some legal problem, Muslims used to consult *mufti* (one who issues fatwa) when faced with legal problems of *halal* or *haram* (i.e., permissible or prohibited). After the companions of the Prophet

(PBUH), their followers used to answer these questions as they had acquired their knowledge from the companions.

When Islam spread outside Arabia and many non-Arabs began to convert to Islam, the need for asking questions became greater as these neo-Muslims hardly knew anything. Some of the companions had settled in other lands and many people from Persia soon acquired expertise in Islamic learning. Many eminent jurists were from Persia. Persia had old tradition of learning, which now was replaced by Islamic learning. The Arabs had no such tradition. Thus, we find more scholars and jurists among non-Arabs.

Also, the Qur'an was in Arabic and it was easy for Arabs to understand than non-Arab Muslims who spoke different languages and could not understand Qur'an or *Hadith*. Thus, these Muslims of non-Arab origin had more questions to ask. The knowledge of *fiqh* (jurisprudence) evolved by 3rd and 4th century *hijra* (Islamic calendar) and it was by then that the *Shari'ah* rules were finally compiled. Many of these rules came into existence as a result of such legal queries.

When such queries began to surface frequently need was felt for evolving systematic institution to answer the queries. This institution was called *dar-al-ifta* (house of answering the legal questions). Thus, issuing fatwa was a social and religious need and not a Qur'anic requirement. In fact, in Islam there is no concept of priesthood. It is the duty of every Muslim to recite and understand Qur'an and *Hadith* and intellectually engage with them and draw their own conclusion. Theoretically, each Muslim is entitled to draw his/her own conclusions and not get bound down by any school of law.

However, when Islam spread to almost every part of the world and Muslims of different religious, intellectual and cultural backgrounds embraced Islam and they wanted to know more and more about it the institution of fatwa could not be avoided. Every individual had neither talent, not training nor time to engage herself/himself in religio-legal matters. Also, over a time several schools of jurisprudence like Hanafi, Maliki, Shfi'i, Hanbali, Zahiri (Sunni) and Shi'ah Jafari, Ismaili, Zaidi (all Shi'ah) developed and each school of jurisprudence (also called *madhhab*) came into existence.

Sunnis and Shi'ahs followed one of these schools and Muslims belonging to a particular school (*madhhab*) will go to jurist of his/her own *madhhab* to ask the opinion about a problem facing that individual or someone on his/her behalf would put that question to the concerned jurist.

However, all these schools of *madhhab* were formed during first three to four hundred years of Islam i.e., 10th to 14th century of Christian Calendar. The religious and socio-cultural needs of people of the time were very different from those of our times. The problems facing people of those times were different from those of our times. Yet, our jurists trained in conventional schools of jurisprudence issue fatwas in the light of fatwas issued earlier.

In each school one gets fatwas compiled according to opinions of jurists of that school. On receiving a question ('*istifta*') the jurists first consults the compilation whether he can get answer to the question. If he finds he issues the fatwa accordingly. If he does not, he tries to find the relevant verse from the Qur'an and *Hadith*, if any and then issues fatwa accordingly.

The entire process is mostly imitative, not reflective, much less creative. Even if new developments have taken place and new needs have arisen, he is not concerned. His whole training is to answer these questions in terms of *halal* and *haram* (permissible or prohibited) as opined by the early founders of the schools.

The *Hadith* pertaining to Ma'adh bin Jabal, a companion of the Prophet (PBUH) who was appointed governor of the Yemen shows that the Prophet was very much in favour of struggling with new problems and finding their solution technically called '*ijtihad*' (intellectually asserting to find solution of newly arising problems in the light of Qur'an and *Hadith*).

All Muslim Ulama accept the legitimacy of *ijtihad* which implies re-thinking issues in Islam and also accept the fact that early jurists or Ulama had attempted *ijtihad*. They also accept the fact that *ijtihad* is permissible even today but find refuge under the pretext that none of us now are qualified to attempt *ijtihad*. Thus, for all practical purposes gates of *ijtihad* have been closed by the Ulama and they are forcing Muslims to resort to *taqlid* (i.e., imitation).

Some Muslim thinkers have divided *ijtihad* in two categories *ijtihad-i-muqayyad* i.e., restricted *ijtihad* (restricting *ijtihad* to one's own school of jurisprudence Hanafi, Maliki, etc.) and *ijtihad-i-mutlaq* i.e., *ijtihad* in absolute sense, not restricting to one's school of jurisprudence. Let alone *ijtihad-i-mutlaq* the Ulama do not permit even restricted *ijtihad*.

But liberal and reformist Muslim scholars very much favour *ijtihad*, be it restricted or absolute. Number of 19th and 20th century Ulama such as Mohammad Abduh of Egypt, Sir Syed Ahmad Khan and Maulavi Chirag Ali, Maulavi Mumtaz Ali

Khan, Mohammad Iqbal and several others boldly resorted to the institution of *ijtihad* and gave new creative legal opinions on various issues facing the Muslim ummah today.

Muhammad Abduh allowed interest on postal savings in Egypt. He even allowed statues of political and eminent social thinkers to be installed to honour them arguing that there is no danger of Muslims worshipping them. Traditional Ulama had banned such statues fearing Muslims might begin to worship them. Muhammad Abduh argued that world over such statues are installed and no one worships them. Thus, he attempted *ijtihad* in absolute sense as jurists of all schools ban installing of statues.

Anyone attempting *ijtihad* has not only to have profound knowledge of Qur'an, *Hadith* and all other traditional sources but also should have tremendous courage of conviction to stand against all. Very few people can combine both. Thus, most of the fatwas issued become run of the mill affair.

Also, only a qualified mufti is entitled to issue a fatwa and the mufti is thoroughly trained for the job. Many Muslims, hardly aware of these requirements and specially in smaller towns or villages rush to the Imam of a nearby mosque and ask him about the problem and the imam with his limited knowledge of sources gives his opinion and this is dubbed as fatwa by some ignorant journalists.

Today, media plays a very important role and has its own biases. Anyone answering a problem is taken as a mufti and his answer as 'fatwa' and hence ridicule it. It then becomes matter of debate on TV channels as well as in print media. No one applies his/her mind as to who gave the opinion (media treating it as

fatwa). Even if a qualified Maulavi or a mufti issues the fatwa, it will be treated as his opinion, not necessarily binding on all Muslims of that school (Hanafi, Shfi'i, etc.) let alone Muslims of other schools.

It should be noted that a fatwa is a legal opinion issued by a mufti of a particular school of jurisprudence and is far from binding on all Muslims or even on the person asking for the fatwa. S/he can totally ignore the opinion and act according to ones own conscience. Fatwa is voluntary in that sense. Also, there can be contradictory fatwas as we often get contradictory medical opinions from doctors.

The fatwa might appear ridiculous to many people as it is issued according to ones own knowledge and approach. The mufti might be quite orthodox and could be following his school of jurisprudence rigidly without applying his own mind. For such fatwa the mufti should be blamed rather than Islam. As for the question why Muslims go to orthodox muftis for asking fatwas one can as well ask why tribals go to ojhas rather than a doctor? The reason is obvious. Tribals lived in backwardness and poverty and are not even aware of modern medical developments and cannot afford it, even if they want. Muslims too live in similar conditions and have no awareness of modern social and legal developments. Those Muslims who belong to middle or upper classes and are well educated normally do not ask for such fatwas.

Muslim countries are, for various reasons not to be discussed here, are generally socially and educationally comparatively backward and have not developed advanced intellectual culture. The Muslim society today though is not static, but is develop-

ing quite slowly whereas changes in political, legal and scientific fields are taking place very rapidly. Before they could absorb these changes, new developments take place. Many Muslim countries being authoritarian, Muslims in these countries do not have free access to many intellectual resources.

Because of this relative backwardness there is strong tendency of worship of the text among Muslims. They worship the text so blindly that they do not want to even understand the context of the text. A text torn from context can become a powerful block for change and progress. Muslims have almost overlooked the transcendence, which forms integral part of Islamic text.

It requires great vision to appreciate transcendental dimension of ones religion and value system. In all religions laws and rituals override values. Core values such as truth, equality, justice, love, compassion, non-violence and human dignity are the essence of any religion. Any legal system, which does not take these values into account, can become a dead-wet for humanity.

A constant search for truth and passion for changing the world for the better are real qualities for a religious person. It is constant quest for truth, which makes ones thinking dynamic and meaningful. It also paves the way for social change. Our muftis mechanically worship the text and refuse to accept anything, which does not form part of their text. The media instead of ridiculing these fatwas should try to understand their social roots and static nature of Muslim society for various reasons.

Today a stimulating debate is needed in the Muslim society as to why intellectual culture necessary to respond to the problems of contemporary world has not developed. Why text is blindly worshipped by Muslims? Why intellectual freedom is so

restricted despite the Qur'an permitting freedom of conscience? Why conformity has a high value? Conformity was never at a premium in early history of Islam. There were lively debates on every issue. When and why this intellectual culture was lost? Who is responsible for that?

Meek submission will not take Muslims very far. The traditional 'Ulama' have acquired much greater authority than warranted in modern society. Traditional learning should be a part of history and new scholarship, more dynamic and vibrant and responsive to contemporary period should be developed. The Qur'an needs to be re-read and read at various levels to cultivate this new culture. The Qur'an is quite dynamic and encourages freedom of intellect.

However, our backward intellectual character and stagnant nature of our society have not allowed us to re-think and come out of feudal framework of thinking. The world has entered post-industrial, post-modern era and we still refuse to revise our opinions expressed by our ancestors. This does not speak well of our Muslim society. We have rich heritage of intellectual culture from earliest time of Islam. The very first Qur'anic verse began with "Recite" and this came in the midst of a culture, which had not known learning nor had any such tradition. Later the Prophet (PBUH) also emphasized acquisition of learning and knowledge.

The Qur'an invited Muslims to use power of reasoning ('aql') gifted by Allah and repeatedly exhorted people why don't you think, why don't you reflect (2:76, 2:242, 3:65, etc.). Thus, the Qur'an invited us to think and create and acquire more and more knowledge. The Qur'an, in fact exhorted people to reflect deeply

on entire creation of Allah (88:17-22) and laid the foundation of inductive logic, which is so important for modern science. Modern science is entirely based on inductive, not on deductive logic and the Qur'an's whole approach is inductive.

The Prophet of Islam also asserted that a moment's reflection on creation of universe is more meritorious than praying whole night. He also said that ink of pen of a scholar is more important than blood of a martyr and a person travelling in search of knowledge is like walking in the path of God. An '*alim*' contributes to the world more than a person going for courting martyrdom.

Unfortunately, the young of the community today are blasting themselves to pieces in suicide bombing than changing the face of the world by blasting ignorance and unravelling mysteries of the creation. The Muslim world indeed is passing through grave crisis and our backward looking and intolerant theologians are intensifying this crisis by issuing fatwas based on their knowledge of the medieval world. The fact that the knowledge created by medieval Islamic scholars is thought to be divine and our traditional theologians refuse to go beyond it and issue all their fatwas based on that knowledge adds to the misery.

This will certainly not help the Muslims and cause of Islam. New knowledge is being generated and communicated very fast in this era of Internet. We must remember that the Qur'anic values are permanent and everything else is liable to change and a living community would never hesitate to accept knowledge, which does not violate the Qur'anic values like justice, benevolence, compassion and wisdom.

The liberal Muslim intelligentsia should come forward and lay foundation for new knowledge in the Islamic world and make it vibrant once more as it was during the first four centuries of Islam when it produced great thinkers, philosophers and scientists which gave so much to the world as a whole. They must push the Islamic world out of the world of medieval fatwas.

CHAPTER 13

Adultery and Qur'anic Punishment

Recently there was news about *rajm* i.e., stoning to death of some men and women in Iran for the offence of adultery. They were 'buried up to the waist, and stoned to death'. Before punishing them thus they were given a ritual bath (*ghusl*), and wrapped in a shroud. This made shocking news and raised many questions whether Qur'an permits such cruel punishment.

Before we take up the discussion on Qur'anic punishment, we would like to discuss the very approach to crime and punishment in Islam. It must be remembered that the Qur'an is not a book on crime and punishment. It is a book of moral guidance and it deals with all the issues which would make a person a model human being in the eyes of Allah. Hence, the Qur'an should not be also treated as a book of law, crime and punishment.

But since the Qur'an was revealed in a society where there was complete vacuum and there were no laws, legal or state institutions, no courts or judicial system, the believers sought

Prophet's (PBUH) guidance in every question they were confronted with. In order to guide people, the Qur'an came out with answers at different levels. At times it provided answers which were normative and went beyond immediate situation i.e., of eternal nature and at times it provided answers which applied to immediate situations by upholding or reforming the existing custom or tradition.

When it provided answer in terms of the existing tradition, it was made clear either in following or subsequent verse(s) that eternal answer was something else. Normally, Qur'an takes a very humane approach which does not violate human dignity, but at times it also provides for exemplary punishment in view of the gravity of the crime. But the very word *hadd* (plural *hudud*) (*hadd* means limit) shows that they cannot be given in every case. Only a judge or the *qadi* will decide the gravity of the crime and decide whether maximum punishment is needed or not.

Muftis, *qadis* and judges apply such punishments as a matter of course. The Qur'an also emphasizes reformation of the person by using words like *tauba* (repentance) and that Allah is *Ghafur* (pardoner) and *Rahim* (compassionate). These aspects of the Qur'anic approach are not taken into consideration by the Islamic authorities while giving maximum punishment. Normal approach should be to reform the person who commits the offence or crime than to punish. Only when a person persists on committing offences, s/he should be accorded maximum punishment (*hudud* punishments). Qur'an's maximum emphasis is on reforming the offender through repentance and Allah's compassion than to punish.

Also, severity or otherwise of the punishment also indicates severity of the crime in the society in which the punishment is

prescribed. No punishment should be treated as permanent. However, our jurists and *qadis*, even if some controversial punishment is mentioned in the hadith, will dispense the punishment unthinkingly, arguing it is the Prophet's (PBUH) *sunnah*. This is in complete disregard of the Qur'anic spirit and modern legal and judicial approach. On one hand, we claim Islam is for all times to come and on the other we refuse to rethink those practices which are not sanctioned by the Qur'an. And even if some punishment is prescribed by the Qur'an, it has to be seen in the perspective of then prevalent conditions, and not to be blindly applied.

The Holy Prophet lived in a tribal society which had not even known or developed the institution of marriage (except in Mecca) and hence sexual morality was lax among the Bedouins. Also, there were certain prevalent customs and Jewish prescriptions. At times the Prophet (PBUH), in the absence of Qur'anic injunctions accepted these prevalent customs or Jewish injunctions and when revelation came, it was abandoned. All this has to be kept in mind while accepting or rejecting any punishment mentioned in *Hadith* literature.

It also has to be kept in mind that the *Shari'ah* laws evolved over a long period of time and after considerable degree of controversies. In this respect, we would also like to point out the difference between *al-shar'* and *al-Shari'ah*. *Al-shar'* is a divine command emanating from Allah and *al-Shari'ah* is a systematic formulation of ordinances into a legal statement. Thus, *al-Shari'ah* came into existence through complex processes in human society, incorporating social needs and human opinion. It should not be treated immutable and unalterable. It is divine injunctions applied to a given social conditions.

Many issues which are part of one or the other schools of jurisprudence, which we treat as divine and immutable, were thoroughly debated by Islamic jurists and differing opinions were expressed and incorporated in different schools of law depending upon which *Hadith* was accepted or rejected and how a particular verse of the Qur'an was interpreted. That is why all eminent jurists kept the doors of *ijtihad* (in view of further social needs and changed circumstances) open. But after a few centuries these lively debates and controversies atrophied and the doors of *ijtihad* were shut. The *Shari'ah* laws, as evolved by founding fathers, came to be followed mechanically.

The punishment for adultery is one controversy among them and needs to be seriously and critically re-examined. Stoning to death for adultery is not a Qur'anic punishment. Qur'an prescribes hundred lashes for what it calls *zina*. *Zina* is an Arabic word which means fornication, adultery as well as rape. In Arabic language, there are no different words as in English. This has become part of the problem. Imam Raghīb defines *zina* as sleeping with a woman without marrying her legally.

And the Qur'an prescribes the punishment using the word *zaniyah* and *zani*, i.e., woman and man guilty of *zina* which may mean all three i.e., fornication, adultery or rape. Generally, translators have translated the word *zaniyah* and *zani* as adulteress and adulterer. Thus, Muhammad Asad translates verse (24:2) as:

“As For the adulteress and the adulterer—flog each of them with a hundred stripes, and let not compassion with them keep you from (carrying out) this law of God, if you (truly) believe in God and the Last Day: and let a group of the believers witness their chastisement.”

(Muhammad Asad, *The Message of the Qur'an*, Gibraltar, 1980). Abdullah Yusuf Ali, on the other hand, uses both the words adulteress and adulterer and fornicator. Thus, he translates it as:

“The woman and the man guilty of adultery or fornication, flog each of them with a hundred stripes...”

(Abdullah Yusuf Ali *The Holy Qur'an* (Hyderabad, n.d).

Thus, Qur'an is obviously referring to both adultery and fornication and does not prescribe separate punishments for fornication and adultery. Had Allah intended harsher punishment for adultery, He could have clarified that for adultery punishment would be stoning to death and for fornication hundred stripes. What could have stopped Allah from saying so? There was no separate verse needed. It could have been specified in the same verse. And even if a separate verse was needed, it could have been revealed leaving no ambiguity.

Also, the words of the verse:

“...And let not compassion with them keep you from (carrying out) this law of God and also that ‘let a group of the believers witness their chastisement’ clearly shows the wrath of God for such acts of illegal sex and thus flogging in itself is the harshest punishment Allah prescribes and hence no other harsher punishment should be instituted. Allah has expressed His wrath in this verse in very harsh words and so according to Qur'an, the punishment prescribed (of hundred stripes) is the harshest.”

Now as for the prescribed punishment of *rajm* (stoning to death) in the corpus of *Shari'ah* law today is based on highly controversial *Hadith* of *hadrat* 'Umar, that this verse of *rajm* was in the Qur'an and that we have recited it. This verse, referred to here, is called verse of *rajm* and one finds it mentioned in

all major traditions as the 'missing verse'. Thus, we read in Ibn Ishaq (Page 684):

"Allah sent Muhammad, and sent down the scripture to him. Part of that He sent down was on stoning. Umar says, 'We read it, we were taught it, and we heeded it. The Apostle (Muhammad) stoned, and we stoned after him. I fear that in the time to come there will be no mention of stoning in Allah's book, and thereby go astray in neglecting an ordinance Allah has sent down.'"

Thus, according to Umar (ibn al-Khattab), the stoning verse was part of the Qur'an, the revelation which Allah sent down. But now it is missing. Thus, adultery was not only a capital offence but demanded death by stoning.

Now the question is when Umar ibn al-Khattab is saying so assertively that the verse on stoning was there in the Qur'an and that we have read it and the Prophet (PBUH) stoned those to death who indulged in adultery, then why this verse was omitted? The Qur'an was finally compiled by Hadrat Uthman (which was certainly after the death of Umar,) then why this verse was omitted? There is no conclusive answer to this, if we accept the above *Hadith* as authentic and acceptable.

And if Uthman omitted the verse, why did he do so? Specially, after Hadrat Umar expressed fear that it might be omitted and people may forget it and thus not carry out Allah's injunction? We do not find any satisfactory explanation for this. And whenever a verse was revealed it was committed to memory by some and was recorded by some. Even if written record was not found, someone who had committed it to memory (and there were many) could have pointed it out to Uthman and that verse could have been included in the Qur'an. It is highly unlikely that no

one pointed out that such an important verse has been left out from the divine book when the final copy was being compiled. This seems to be a highly unlikely scenario. While compiling, Uthman had consulted all *huffaz* (those who had committed Qur'anic verses to memory) and all written records.

Let us carefully observe what Umar had said. According to the *Hadith* narrated by Ibn Abbas, Umar said,

“I am afraid that after a long time has passed, people may say, ‘we do not find the verses of the *rajm* (stoning to death) in the Holy Book’, and consequently they may go astray by leaving an obligation that Allah has revealed. Lo I confirm that the penalty of *rajm* be inflicted on him who commits illegal sexual intercourse, if he is already married and the crime is proved by witnesses or pregnancy or confession.” Sufyan added, “I have memorized this narration in this way.” Umar added, “Surely Allah’s Apostle carried out the penalty of *rajm*, and so did we after him.”

(see *Sahih al-Bukhari* vol.8, Book 86, The Book of Al-Hudud, *Hadith* no.6829).

The words of the above *Hadith* clearly shows that it was a very important verse and Umar feared that after a long period of time people may say that they did not find this verse in the Book. Despite that why then was it left out of the final version of the Qur'an that we have today, and about which there is no controversy among Muslims? Surely, Uthman too would have taken care to include all verses, especially the one on *rajm* which was so important. But he did not and this means that the *Hadith* quoted above should be treated carefully and critically. It should certainly not be accepted uncritically as many tend to do. It remains highly doubtful that the Holy Qur'an really intended to prescribe *rajm* for adultery.

We do not find any mention of *rajm* in Tabari's *tafsir* also. He simply explains meaning of *jald*, how hard one should hit and how many people (*ta'ifah*) should witness it. Had there been the verse of *rajm* in the Qur'an, he would have mentioned it while explaining the meaning of the verse (24:2).

Also, a careful examination of the *Hadith* literature shows that the Prophet (PBUH) used the words *hadd*, *ta'zir* and *'uqubah* interchangeably. *Hadd* is the obligatory Qur'anic punishment while *ta'zir* and *'uqubah* are discretionary punishments depending on the circumstances of the crime and those who commit it. Maulana Madudi also opined that *hudud* punishments can be applied only in Islamic society which is strictly based on Islamic principles and not in every society.

We also find a *Hadith* narrated by Hadrat A'ishah that the verse on *rajm* was eaten away by a goat. Such an approach to Qur'an is dangerous and will expose the Qur'anic text to various arguments and others will also claim that such and such verse was also in the Qur'an but was lost. We find in *Sahih Muslim* (chapter CCCXI, P-500, tradition 2286) that Abu Musa Ashari invited Qur'an readers of Basra and three hundred of them responded. It was said by one of them that we used to read a chapter in the Qur'an similar to Bara'ah in length and seriousness but I forgot it. I can remember from the chapter only the following words: 'Should a son of Adam own two valleys full of wealth, he should see a third valley and nothing would fill Ibn Adam's abdomen but the soil'.

Umar is also reported to have said that chapter 33 (Al-Ahzab) is incomplete. Al-Muttaqi Ali Ibn Husam-Din in his book *Mukhtasar Kanz al-Ummal*, printed on the margin of Imam

Ahmad's *Musnad*, V2, P2 in his *Hadith* about chapter 33, that said Ibn Mardawayh reported that Huthaifah said:

“Umar said to me: ‘How many verses are contained in the chapter al-Ahzab?’ I said 72 or 73 verses. He said: ‘It was almost as long as the chapter of the Cow (al-Baqarah), which contains 287 verses and in it there was the verse of stoning.’”

Thus, it can be imagined to what extent the present text of Qur'an is being exposed to danger by arguing that the verse on *rajm* was revealed and then lost. We must resist temptation of such arguments, in order to justify *rajm* for adultery.

There is another narration from Imam Ahmad in which Umar said that if people would not say that Umar included in Qur'an what is not in it, I would have written (this verse on *rajm*) in one corner of the Qur'an. This *Hadith* is contradictory in itself. If the verse on stoning was there in Qur'an then why should Umar fear accusation of including what is not there in the holy text and even if it was not there, there is no question of writing it down in a corner of the Qur'an. Those who accept such *Hadith* do not pay heed to contradictions in what is being said.

Some have given rather strange arguments that verse of stoning in the Qur'an was revealed but its recitation was annulled but its implementation as punishment was retained. How strange is this argument! Why its recitation should be annulled? Is there any reason? The fact is that such verse never existed and *rajm* should not be justified by any means defying all rules of logic. The verse on punishment of *zina* is crystal clear in the Qur'an and the only punishment prescribed is 100 lashes.

The Qur'an also prescribes half the punishment for married slave-girl (4:25). How can one make stoning to death half in

case of a slave-girl? Only if the punishment is 100 lashes one can make it half. The Qur'anic injunction about adultery by slave-girl is also clear that does not require other explanation. In fact, Khwarij use this very argument to deny the punishment of stoning for adultery.

Also the argument that the Prophet (PBUH) gave this punishment is also not very tenable. It is far from being proved that the Prophet gave this punishment (stoning to death) before revelation of this verse or after revelation of (24:2). If he gave punishment of stoning before revelation of (24:2), obviously he was guided by the prevailing custom in the society and especially its mention in Torah.

But it is difficult to maintain that he gave this punishment after revelation of the verse (24:2). Can the Prophet (PBUH) contradict injunction of the Qur'an? If so, what are other instances in which he did something which was in obvious contradiction to the Qur'anic injunctions? This again has really serious implications, besides saying that the Prophet used to do what was not there in the Qur'an.

This is all the more problematic when we find in narration by Ahmad that during Umar's *khilafah* people used to say that there is no injunction in the Qur'an for *rajm* so how can we practice it? (The Arabic words of this riwayat are *inna unasan yaquluna ma al-rajm fi kitabillah wa innama fih al-jald*).

Then again the following verse after (24:2 i.e., 24:3)

“The adulterer cannot have sexual relations with any but an adulteress or an idolatress, and the adulteress, none can have sexual relations with her but an adulterer or an idolater; and it is forbidden to believers.”

How can an adulterer or adulteress have sexual relations with others, if they are stoned to death?

They can have such relations only if they are alive. This verse is also very clear and does not require any other explanation and any number of *ahadith* cannot justify any other explanation. What Qur'an intends is to make men and women give up *zina*, whether it is fornication or adultery or rape. Qur'an wants to create a society where sexual relations would be for perpetuating human species, and not just for fulfilling one's lust.

Qur'an wishes to strengthen the institution of family and, as pointed out at the outset, pre-Islamic Arabia did not have a strong family institution. Also, tribal structure was breaking down and new society was coming into existence due to the impact of socio-economic changes and on account of transition from tribal to commercial society. Family institution is highly necessary in such a society as new property relations were developing.

The Qur'an wanted to denounce sex outside marriage which weakens the institution of family and destroys its stability. But Qur'an was also ushering in a civilized society and its whole emphasis was on reforming human character, rather than punishing in a barbaric or harsh manner. Thus it prescribed a punishment of 100 lashes in the presence of a group of believers so that it brings him or her shame and creates a strong barrier against repetition of such actions. In a way, the sentence is harsh enough within a civilized society but not barbaric so as to take away life in a cruel manner.

Once an adulterer (or fornicator) is punished in presence of a group of believers, he will prefer thereafter to repent rather than repeat. Also, for any punishment we have to keep Qur'anic

values in mind. Most fundamental Qur'anic values are '*adil, ihsan, rahmah* and *hikmah*. No punishment should go against these values. These Allah's names are also in the Qur'an ('*Adil, Muhsin, Rahim* and *Hakim*).

Surely stoning to death goes against these fundamental values and kills an erring human being rather than giving him/her a chance to repent or reform. There is need for Muslim jurists (*fuqaha'*) to rethink such punishments. It will make Islam humane which it is and which under influence of feudal values in medieval ages, undergone un-Qur'anic changes. Thus, there is great need for bringing changes in Islamic *fiqh* in keeping with the Qur'anic values. Qur'an provides transcendent dimension to human life but Muslim jurists have imprisoned it in medieval values depriving Islam of its dynamic spirit.

CHAPTER 14

***Shari'ah* or Civil Law in Secular India**

For long there has been a debate in India as to whether there should be a Uniform Civil Code (UCC) or a religious code called personal laws. However, no consensus has been reached on this question. A small urban elite insists on UCC whereas an overwhelming number of people both in urban as well as rural areas insist on retaining religious laws, especially in respect of marriage, divorce, inheritance and property rights.

India is a country that boasts of great diversity in terms of religion, caste, language and culture. Again, each religion is distinctively different from the other. Each religion, and every sect of that religion, has diverse customs and traditions attached to it which can be accounted for by regional and cultural factors.

Indian society is not homogenous in any sense. It has not been modernized to the extent of Western societies so as to become totally homogenous. Uniform laws in personal sphere can be applied only in homogenous societies. It is easier to apply the

same law in personal sphere in Western countries or in countries with mono-religious and mono-cultural structures but difficult in India as it is neither totally modernized nor mono-religious or mono-cultural.

Yet, a small modernized secular elite want UCC in India without realizing its complex social implications. The ideal of UCC can hardly be related to the ground realities of the country. Also, there was another important question related to Muslims. They are a minority and when the Constitution was being drawn up and the question of UCC being discussed, Muslims were undergoing the trauma of Partition. Partition riots had shaken them and insecurity because of being a minority had overtaken them.

During Partition, the question of minority rights, which included religious rights, had assumed great importance. Another important factor was support of the orthodox Ulama to composite nationalism. The Jami'at al-'Ulama-i-Hind had opposed partition tooth and nail and had unflinchingly stood by the Indian National Congress. Though politically they had taken a progressive stand, they were not ready to accept any change in the religious laws which they considered as divine.

The Congress leaders could not afford to alienate these Ulama who had stood by the Congress in an hour of great national crisis. The Congress leadership had also assured full freedom to Muslims to practice their religion and religious laws. Thus, the Constitution made a specific provision to that effect. Article 25 of the Constitution says that all Indians will be free to profess, practice and propagate their religion.

The Muslims considered *Shari'ah* laws as integral part of their religion and did not accept its abolition in any case. Let alone

its abrogation, they did not agree to reform it even. Moreover, it was not the question of Muslims alone, but related to other religious communities as well. Hindus who were in majority were also vehemently opposed to abrogation of Hindu laws as contained in *Manusmriti*.

There were more problems with the Hindu laws than Islamic laws as far as gender justice was concerned. Muslim women had certain rights, which Hindu women did not have. Muslim women, for example, had right in marriage, divorce, property and inheritance. Hindu women, had none of these rights in their customary and traditional laws. Jawaharlal Nehru was keen to make these rights available to Hindu women and the process had begun in pre-Partition days itself.

Dr BR Ambedkar had drafted Hindu laws in a very comprehensive way. They were introduced in Parliament after being approved by the Cabinet. However, there was vehement opposition in Parliament and it was *gheraoed* by large number of sadhus who were opposed to any change in their traditional laws. Frightened by this demonstration, even those cabinet ministers who had approved of the Hindu code bill earlier backed out and the bill had to be abandoned. Later its much diluted version became the Hindu code.

It was difficult to reform a religion-based personal law of the majority community. The difficulties in changing Muslim personal law have been no less daunting where Muslims, by virtue of being a minority resisted change or abrogation of personal law to make way for UCC. The Muslim members of the Constituent Assembly were determined not to allow abrogation of personal law of Muslims.

Thus, Mohammad Ismail from Chennai wanted the following provision to be added to the Article, “provided that any group, section or community of the people shall not be obliged to give up its own personal law in case it has any such law” (*Constituent Assembly Debate*, vol. vii, Page 540). Ismail’s contention was that to practice religion-based law was an integral part of ones religion and no citizen could be deprived of that.

Mahboob Ali Baig also moved an amendment to Article 44 suggesting the addition of the following proviso, “provided that nothing in this article shall affect the personal law of the citizen”.

His argument was that so far as the Mussalmans were concerned, their laws of succession, inheritance, marriage and divorce were completely dependent upon their religion. A heated argument between M Ananthasayanam Ayyanger and Mahboob Ali Baig reflects the element of tension in that debate. B Pocker, a Muslim member from Chennai, supported the amendment moved by Mohammad Ismail. He said that the Constituent Assembly had no mandate to interfere with the religious right and practices of the Muslim community.¹

Ultimately after these often acrimonious debates a compromise in the form of Article 44 was found. This article was a part of Directive Principles of the Constitution. As per this article, the government shall strive to bring UCC. However, this remained a promise and day-by-day it became more and more difficult to enact UCC. As time went by, personal law not only became an

¹ See Nandini Chavan and Qutub Jehan Kidwai *Personal Law Reforms and Gender Empowerment – A Debate on Uniform Civil Code* pp 266-67.

integral part of religion but also an inalienable part of Muslim identity. Thus, the issue became even more complex.

In post-Independence India, early sixties onwards, intermittent communal violence broke out and made Muslims feel more and more insecure. After every major communal riot, Muslims sulked and turned to their own community. Any attempt to focus on reform and change in *Shari'ah* law was seen as detrimental to the interests of the community. Even those Muslims who desired change feared to raise their voice, lest they become alienated from the community.

Among distinguished Muslim jurists, AAA Fyzee, who was India's envoy to Egypt, pleaded for codification of Muslim law and was isolated within the community. He was not pleading for UCC but only codification but the community leaders were not prepared even for that. Fyzee's argument was that what was practiced in India as Muslim personal law, was in fact, not *Shari'ah* law enacted by any Islamic government but Anglo-Mohammedan Law enacted by the British Government during its rule in India.

The point made by Fyzee was quite significant. What was known as Muslim personal law was nothing but Anglo-Mohammedan law and depended on judicial pronouncements made by the British judges, which became precedents for subsequent rulings and judgements. It was a loose body of laws that never been codified properly except for once in 1939, in respect of dissolution of Muslim Marriage Law, 1939, which was drafted by some modern lawyers like MA Jinnah in consultation with traditional Ulama like Maulana Ashraf Thanvi.

Yet, this turned out to be far from adequate since it covered only dissolution of Muslim marriage and left other important

areas such as polygamy, divorce, inheritance and property rights. In 19th century some influential *zamindars* (feudal lords) got the law of inheritance amended. According to this amendment, in UP, the daughters were to be disinherited in landed property as the principle of primogeniture was introduced. This was flagrant violation of Islamic law, according to which daughters have right to inheritance in landed property.

The principle of primogeniture was introduced to avoid division of land despite its being un-Islamic. The Ulama did not protest against this un-Islamic amendment as many of them depended on the feudal lords for their survival. The traditional Ulama did not mind the tampering with the *Shari'ah* law when it went against women's right. This is in sharp contrast to their fight in the case of curtailment of men's privileges like polygamy.

Fyzee had made a valid point that what operated in India was not *Shari'ah* law but Anglo-Mohammedan law enacted by the British and therefore not to be treated as Islamic law. In fact, after Independence, the terminology changed and Anglo-Mohammedan Law came to be known as Muslim personal law. Ever since Independence this new terminology is being used. It is of course treated as *Shari'ah* law and any attempt to change or reform it is met with stiff opposition from the Muslim clergy.

Opposition to reform in Muslim personal law comes mainly because of reasons like:

1. Recurring communal violence that makes Muslims feel insecure and any change in their law is seen as a threat to their religious identity. It is true that reform and change can be more effective and acceptable, if people feel secure.

2. Muslims are by and large quite poor and illiterate. Their economic plight is worse than that of dalits. The Muslim middle class is extremely weak and has emerged from lower caste Muslims traditionally engaged in professions like weaving, dying, brassware making, bangle making, etc. This middle class is not vibrant and confident though modern professionals are also emerging from this backward economic base.
3. Women of Muslim community are not educated in most cases and more often than not, confined to household work and thus, lack consciousness of their rights, even Islamic rights.
4. So far, secular elements and secular feminists had demanded implementation of UCC, but from late eighties onwards some of them were co-opted by the *Hindutva* forces. The BJP the Hindu communal party, made promulgation of UCC a part of *Hindutva* agenda. This created strong resentment even among the secular feminists and they abandoned the demand for UCC and instead began to demand codification and reform.

Thus, no feminist organisation today in India is in favour of UCC as this is considered to be a part of *Hindutva* agenda. They know that *Hindutva* has adopted UCC not to empower Muslim women but to use it as an anti-Muslim instrument. This is totally against the principles of secularism and communal harmony. This adoption of UCC has been politicized to the extent of leading to communal tension.

5. The argument by *Hindutva* forces that adoption of UCC would lead to national integration lacks conviction. All other

laws in India are secular except Muslim personal law and yet they have not led to national integration; then how can adoption of one more law lead to that?

6. In post-modern era, homogeneity is being pushed to the backseat to make way for pluralism. Earlier, modernity was considered as hegemonic and did not tolerate pluralism of laws, customs and traditions. Thus, uniformity is being replaced by heterogeneity. Now UCC will be almost unacceptable to all religious communities in India. It is not Muslims alone who follow personal law but all communities including the Hindus who are the majority community, follow their respective personal laws.

In fact, there is no dual system in India as far as personal laws are concerned. No community follows UCC in India. Hence, there is no civil law for others and personal law or *Shari'ah* law is applicable to Muslims only. The only difference is that Hindus, the majority community, have reformed their traditional law.

Marriage is considered a sacrament among Hindus and giving away one's daughter is called *kanyadan* (i.e., donating the girl to her husband) and since it is sacramental no divorce is possible. The reforms enacted in the traditional Hindu law gave women rights of marriage, divorce, inheritance and property and also banned polygamy and allowed widow remarriage.

But in Islam, many of these rights were already available to women. A Muslim woman has rights of marriage, divorce (with certain conditions in *Shari'ah* law), property and inheritance (she inherits as daughter, as wife and as mother). Thus, Islamic law is more progressive as compared to other religious and tra-

ditional laws of India. However, it does not mean that there are no problems with the *Shari'ah* law.

The total impact of Indian culture is quite adverse on women. Women in general are treated as 'second sex' and men enjoy superiority over women. Also, in India, Sunni Muslims follow Hanafi and Shafi'i schools of law which allow triple divorce in one sitting and also regard polygamy as a man's right. Of course, *Ahl-i-Hadith* does not accept triple divorce but is one with other schools in matters of polygamy.

Most of the Muslim women among poorer sections suffer mainly on account of triple divorce. Polygamy is a problem but not as acute as triple divorce. The Muslim Personal Law Board, which has been set up by some Muslims, continues to be dominated by highly conservative Muslims. Though triple divorce is called *talaq-i-bid'ah* (a sinful form of divorce), still it is enforced. Many husbands pronounce *talaq* thrice in a state of anger, or even in drunken state. Despite this, it is held valid.

Every other Muslim country has abolished this law. But, India with its about 140 million Muslims, holds it valid. Only *Ahl-i-Hadith* and Shi'aah Muslims do not practise it. All efforts to persuade the Muslim Personal Law Board (MPLB) to agree to abolish it have been in vain. Let alone abolish it, they are not even prepared to educate Muslim masses that it is a sinful practice and, hence, should not be resorted to.

The only silver lining in the otherwise dark cloud is that Muslim women are taking to education in large numbers, which is bringing more awareness among them about their rights. Some Muslim women NGOs have been campaigning for women's rights. There are NGOs who reject religion as an option and

campaign for gender equality on secular lines. Yet there are some others that take religion seriously and campaign for gender equality on the basis of re-interpretation of Islamic *Shari'ah*.

Certain NGOs have prepared a *nikahnama* (a marriage contract) stipulating some standard conditions to be signed by bridegroom and bride at the time of marriage. This marriage contract gives rights to Muslim wives who are Islamic and violation of this results in the husband being divorced by wife which is known as *tafwid-e-talaq* (delegated right to divorce). Such a provision is fortunately available in Hanafi School. This *nikahnama* was evolved with consensus of several Muslim women's organizations since they think Islam provides an option for their empowerment.

The MPLB's response was somewhat subdued but could not reject concept of *nikahnama*. However, they came out with a *nikahnama*, which was weak and could hardly meet women's aspirations. Another women's NGO believing in gender equality devised a *nikahnama* that could meet Muslim women's aspirations. It got more than a dozen couples married under it.

These organizations are engaged in campaigning for gender equality and hold awareness workshops too. I have had the privilege of addressing quite a few of them. Our Institute of Islamic Studies is also a part of this campaign. It is important to note that UCC is out of question as Muslims do not see it as a serious option. Reforming Muslim Personal Law and codifying it is perhaps the only possibility.

It must be said that Islamic law is fairly gender-friendly in its original form. But the *Shari'ah* law as it was evolved in a patriarchal society watered down some of the Qur'anic pronounce-

ments amenable to gender equality. The Qur'an supported gender equality in the society but patriarchal society was not prepared to accept that ideal.

But now time has come to realize this Qur'anic ideal. The Muslim world, however, is not mentally prepared for implementation of the Qur'anic ideal even today. But modern education is preparing Muslim women for realization of Qur'anic ideal. Yet, it is easier said than done. And at best it can be a long struggle to realize the Qur'anic ideal of gender equality. Yet a beginning has been made through awareness campaign among Muslim women.

There is also a need for Islamic feminist theologians who can read Qur'an from a feminist viewpoint. So far only men have interpreted Qur'an and there have been no major interpretational endeavour on the part of women. Islam does not prohibit women from reading and revisiting Qur'an. In fact, Qur'anic ideal can be realized only through feminist interpretation.

At the end I would like to say that India, a liberal, secular and a democratic country, can be a fertile ground for such feminist endeavours. It is not possible in any Islamic country to realize this ideal as there is no freedom of thought. The conservative Ulama dominate the entire space. It is countries like India, which provide some free and creative space for women to enjoy. The absence of UCC can be more than compensated by re-interpreting the *Shari'ah* laws and practising gender equality. Future surely holds quite a bit of promise in this respect.

CHAPTER 15

How Islam Views Hinduism

Generally it is thought that Hinduism and Islam, like two poles of a magnet, are not just different from each other but in fact repel each other. Each religion is of course different, but not necessarily contradictory. However, popular view is that this is the case with Hinduism and Islam. Even if scholars prove otherwise, this popular view persists because of priests and politicians who try to increase their flock by exploiting the weaknesses of common men.

Before proceeding with the subject "How Islam viewed Hinduism", one must discuss the nature of religion and the differences between them. Only this can enable one to understand the causes of clash between different religions. Religions can be divided into four basic categories—ritual system; thought system; institutional system and value system.

Since each religion is a product of different cultures, societies, historical traditions and time periods, it is bound to differ from the other in terms of ritual, thought and institutional

systems. But no two religions differ from each other in terms of value system. The main aim of every religion is to promote moral values in the society and guide human conduct according to these values.

Also, it is important to note that the ritual, thought and institutional systems are means to an end to realize these values. The seven basic values are truth; love (of God and human beings); equality (of all human beings); justice; peace; respect for all forms of life and compassion for all those who suffer. There is hardly any religion which contradicts these values.

Each religion, depending on its cultural environment, social ethos and historical traditions, devises rituals, evolves thought system (along with certain beliefs and dogmas including those about life after death etc.) and fashions institutional system to realize these values. In fact, differences about rituals, thought system and institutional system just create an illusion that religions clash with each other. On the contrary, they compliment each other through value system and differences are just illusionary and not real. Sometimes, differences are only of language and expressions. All one can say is that each religion is unique and different from the other but not superior to the other. One often practises religion one is born in, as it is coterminous with one's culture and family traditions and one is intimate with its beliefs and traditions.

It is important to throw some light on what promotes clashes or a sense of hostility between different religions. Mere uniqueness cannot lead to a sense of hostility. We must trace the roots of hostility to something irreconcilable, like interests of some followers of a religion. The interests could be either political

or related to the control of religious establishment. The other important cause of hostility is prejudice—borne either out of sheer ignorance or created through propaganda. It is my personal view that religions per se do not clash.

One's view of religion depends upon who views it and the level of understanding of the viewer and the interests involved. Other pertinent questions to be noted are if the viewer is a common person with prejudices born of ignorance or created through propaganda, has political or religious interests and if he is an objective scholar having in—depth knowledge of the religious traditions one is studying.

The common Muslim in India looks down upon Hinduism as a religion of idol worshippers which Islam condemns. In popular parlance, Hindus are depicted as *kafirs* (unbelievers) or *mushriks* (polytheists). This view of Hinduism by common Muslims in India is historical and persists partly on account of ignorance of Hindu religion and partly because of hostile propaganda by people with vested interests. Similarly, common Hindus think of Muslims as 'fanatics', 'anti-Hindu' and now in modern times as 'anti-national'. This view of Muslims by Hindus is also because of similar reasons.

Often, political hostility turns into religious hostility and political enemies become religious enemies. Thus, one can hardly generalize the viewpoint of some Muslims on Hinduism as the only viewpoint of Muslims on Hinduism. There have been so many viewpoints but the belief that Hindus are *kafirs* and idol worshippers is held more extensively because common Hindus are seen worshipping idols in temples. The Qur'an condemns idol worshipping and describes them as *kafirs* or *mushriks*.

However, many Muslim scholars and sufi saints did not accept this point of view and refrained from describing Hindus as *kafirs*. *Kafir* is an Arabic word which implies someone who hides (truth).¹ Qur'an described those Qureshites of Mecca (Quresh was the tribe to which the Prophet also belonged) who refused to accept the truth brought by Islam as *kafirs*. However, every non-Muslim does not become a *kafir* as non-Muslims have their own version of truth which is often expressed differently. However, it is simple to consider Hindus as *kafirs*.

Many Muslim scholars have refrained from describing Hindus as *kafirs* as they had studied Hindu religion through their own books (*Shashtras*). KA Nizami, a noted historian from India observed,

“The accounts of India found in the works of Shahrastani, Masudi, Ibn Khurdazbih, Sulaiman Tajir and others are extremely valuable”.²

Alberuni, another distinguished scholar, studied Hindu religion and its system of philosophy through original sources and wrote his book *Kitab al-Hindi* which has been translated by Edward Sachau as *Alberuni's India*.³ These are better sources to understand how Arabs and other Muslims viewed Hinduism when they came in contact with it.

Muhammad bin Abdur Rahim al-Qulainashi al-Ghamati observed in his book *Tuhfat al-Albab*,

¹ See under *kafir* Imam Raghīb Asfahani Mufradat al-Qur'an (Lahore, 1971) pp-916-17

² See Foreword by KA Nizami to Muhammad Zaki's Arab Accounts of India During the 14th Century (*Idarah Adbiyat-i-Delhi*, Delhi, 1981) p-vi

³ Edward Sachau edited with notes and indices Alberuni's India

“The huge country (India), great justice, considerable wealth, good administration, constant convenience of life, and security on account of which there is no fear in the country of India and China. The Indians are the most learned people in the branches of philosophy, medicine, arithmetic and (skilled) in all wonderful crafts which it is impossible to imitate....”⁴

Here one does not find any prejudice against Hindus, or India in describing Hindus as *kafirs*. But, Al-Ghamati, most learned in philosophy and medicine described what he saw as a scholar and not as a religious preacher of Islam. Religious preachers are often ignorant of others religious teachings and are more interested in winning over converts. Hence, they describe others religions as false or inferior to their own. A preacher, as opposed to a scholar, cannot maintain objectivity of observation.

Alberuni, who read Hindu scriptures in original, understood why common people in India worshipped idols. His observation is quite interesting. He said,

“It is well known that popular mind leans towards the sensible world, and has an aversion to the world of abstract thought which is only understood by highly educated people, of whom in every time and every place there are only few. And as common people will only acquiesce in pictorial representation, many of the leaders of religious communities have so far deviated from right path as to give such imagery in their books and houses of worship... these words of mine would at once receive a sufficient illustration if, for example, a picture of the Prophet were made, or of Mecca and the Ka’ba, and were shown to an uneducated man or woman. Their joy in looking at the thing would bring them to kiss the picture, to rub their cheeks against it, and to roll themselves in the dust

⁴ Quoted by Muhammad Zaki *op. cit.*, p-6

before it, as if they were seeing not the picture, but the original, and were in this way, as if they were present in the holy places, performing the rites of pilgrimage, the great and small ones.”

Then he went on to explain that,

“This is the cause which leads to the manufacture of idols, monuments in honour of certain much venerated persons, prophets, sages, angels, destined to keep alive their memory when they are absent or dead, to create for them a lasting place of grateful veneration in the hearts of men when they die.....”

He further gave examples from various religious traditions including those of Jews, Christians, Manicheans and so on and finally of Hindus. He said,

“Since however, here we have to explain the system and the theories of the Hindus on the subject, we shall now mention their ludicrous views; but we declare at once that they are held only by the common uneducated people. For those who march on the path to liberation, or those who study philosophy and theology, and who desire abstract truth which they call *sara* are entirely free from worshipping anything but God alone, and would never dream of worshipping an image manufactured to represent him.”⁵

Thus, we see that Al-Beruni did not condemn Hindus for idol worshipping but explained it away as a popular practice and said that learned people refrain from doing so. Also, another delicate question of eating cow was dealt by him in a very objective manner and in this case too he refrained from any unbecoming remark. First, he discussed the explanation given to him as to why Brahmins stopped eating beef. This explanation relates

⁵ Alberuni's India, *op. cit.*, pp-112-13

to digestion. However, he was not satisfied by this explanation and said,

“I, for my part, am uncertain, and hesitate in the question of origin of this custom between two different views.”

Then he gave his own explanation which is commonly advanced these days. He wrote,

“As for economical reason, we must keep in mind that the cow is the animal which serves man in travelling by carrying his loads, in agriculture in the works of ploughing and sowing, in the household by the milk and product made thereof. Further, man makes use of its dung, and in winter – time even of its breath. Therefore it was forbidden to eat cows’ meat; as also Alhajjaj forbade it, when people complained to him that Babylonia became more and more desert.”⁶

Thus by referring to Al-Hajjaj’s ban on eating cow, he further justified the ban on eating cow’s meat by Hindus. Al-Hajjaj was Governor of Iraq during Umayyad period.

The Sufi saints looked at Hinduism respectfully and tried to build bridges with Hindus. They maintained that Hindus possessed truth as much as other peoples did. Miyan Mir, a great Sufi saint belonging to Qadriya school of Sufis, had very good relations with the Sikh Gurus. Guru Arjan Dev invited him to lay the Foundation stone of Harmandir which is also popularly known as Golden Temple. The Sikh Guru had highest regard for Miyan Mir of Lahore.

Dara Shikoh, the heir Apparent of Moghul Emperor Shah Jahan, acquired great scholarship of Hindu scriptures. He, like

⁶ Ibid—pp-152-53

Alberuni, acquired knowledge of Sanskrit language and studied Hindu scriptures in Sanskrit. He was of the opinion that both religions have much in common and it is more a difference of language than substance. He translated Upanishads into Persian and called it *Sirr-e-Akbar*. I have seen its manuscript written in Darashikoh's own handwritings in the library of Darul Musannifin, Azamgarh, UP. What is most interesting is that he begun by invoking Ganesha, the Hindu God, along with Islamic *Bismillahir Rahman al-Rahim*.

Dara Shikoh described Upanishads as "ocean of *taswihid* (monotheism)." He said that he examined the religious works of the Hindus, "who do not negate monotheism," and found that the monotheistic verses contained in the four Vedas have been collected and elucidated in the *Upanikhat* (Upanishad), which is an ocean of monotheism. Dara Shikoh even maintained that

"Any difficult problem or sublime idea that came to his mind and was not solved in spite of his best efforts, becomes clear and solved with the help of this ancient work, which is undoubtedly the first heavenly Book and the fountainhead of the ocean of monotheism, and, in accordance with or rather an elucidation of the Qur'an."⁷

Dara Shikoh had so much respect for Upanishads that he believed that the verses (56:77-79) referred to Upanishads. He was certain that "the hidden book (or *kitab-i-maknun*) was a reference to this very ancient book."⁸

⁷ See Introduction to Dara Shikoh's *Majma' Bahrain (Mingling of the Two Oceans)* by M Mahfuz-ul-Haq pp-13

⁸ Introduction, *ibid*

This is the highest tribute one can pay to scriptures of Hinduism. In fact, Dara Shikoh's *Majma-ul-Bahrain* is a classical work on unity of religion.

In this book, Dara Shikoh compared religious terminology of Islam with that of Hinduism and conclusively proved that the difference was of language and not of actual ideas. He often referred to Hindus as *muwahhidan-i-Hind* i.e., the monotheists of India. He said that the monotheists of India also believed in *qiyamat-e-kubra* (i.e., the Great Day of Judgement) and in Hindu scriptures it is referred to as *mahapralaya*. According to Dara, Hindus also believed in heaven and hell and that after residing in heaven and hell *mahapralaya* would occur. He also quoted verses from Qur'an like (72:9, 34:79, 68:39, 55:26-27 and 72:9) to prove his point.

He compared the concepts of *mukti* with that of *sufi fana fi Allah* i.e., merging with Allah as ultimate liberation and also quotes the verse (72:9) from Qur'an. He then threw light on the concept of *mukti* (liberation) in Hindu religion and talked of *Brahmand* as the body of God. Brahmand in Islam is referred to as *Alam-i-kubra* which is manifestation of Allah.⁹

Thus, Dara Shikoh's work is extremely important as far as Muslim attitude towards Hinduism is concerned. Unfortunately, this seminal contribution has been almost ignored by the scholars in evaluating Hindu-Muslim relations in contemporary India. This slim volume by Dara Shikoh can serve as a bridge between the two major communities in India. For this reason, there is a great need to revive his work.

⁹ *Majma-ul-Bahrain op.cit.*, pp-106-107

Another sufi saint Mazhar *Jan-i-Janan* who lived in 18th century India also accepted Hindus as *ahl al-Kitab* i.e., people of the book, a category created by the Qur'an for Jews and Christians. He thinks that in Qur'an, Allah promised to send guides to all the nations (13:7). Mazhar *Jan-i-Janan* argued concomitantly as to how Allah could forget India, such a great country, to send His guides and Ram and Krishna, highly revered religious guides of India, might have been prophets of Allah.

He argued that Hindu scriptures described God as *nirakar* and *nirgun* (i.e., without shape and attributes). *Jan-i-Janan* also argued that this was the highest concept of *tawhid* (monotheism). Thus, how can one describe Hindus as *kafirs* or *mushriks* when they believe in one God. He also explained, like Al-Beruni before him, that practice of idol worship was a popular practice but was not sanctioned by Hindu scriptures. He went a step further and said that Hindus worshipped idols as intermediaries to God and not as God. This was the same as Sufis needed help of a shaikh (master) to cognize Allah.¹⁰ Thus, he exonerated Hindus from being polytheists or *kafirs*.

He believed that Allah in His infinite mercy, revealed Vedas and sent an angel called Brahma for guiding the people of India. Vedas, according to *Jan-i-Janan*, are the books of *amr wa nahi* (of Allah's commands and prohibitions). The Hindu *mujtahids* (interpreters of Vedas) have extracted six sects from them and kept their foundation of beliefs and dogmas on them. It is like '*ilm-i-kalam* (dialectics) in Islam.

¹⁰ See Mirza Mazhar *Jan-i-Janan* ki Khutut translation from Persian into Urdu by Khaliq Anjum (Delhi, 1989) p-131

Jan-i-Janan, unlike Dara Shikoh reached a little different conclusion. He said that we should neither condemn Hindus as *kafirs*, nor should we say that they will achieve *najat* (liberation). He also argued that without proper proof one should not describe anyone as *kafir*. He also maintained that the belief in *tanasukh* (transmigration of soul) does not lead to *kufr* (unbelief).¹¹

Sufi literature is full of such references to Hinduism. One hardly finds hostile attitudes towards Hindus in Sufi literature. The only exception is perhaps Mujaddid alf-i-thani, also known as Sirhindi. He launched a movement to purify Islam from Hindu influences and attached great importance to purity of doctrines and advised his followers to practise pure Islam. He also opposed bowing down to emperors, a practice widely prevalent among the courtiers. As he opposed obeisance before the emperor Jahangir, he was imprisoned in the Gwalior Fort by the Emperor.

Mujaddid alf-i-thani also opposed the Sufi doctrine of *wahdat al-wujud* (unity of being) which had revolutionary implication of accepting the truth of all religions as manifestations of Allah. Mujaddid, though a Sufi himself, opposed this doctrine and instead propounded another doctrine of *wahdat-i-subud* (unity of witnessing).¹² Thus, Sirhindi was not hostile to Hinduism as such but he had launched a crusade against corruption in basic doctrines of Islam and he blamed Sufis for this state of affairs as they accepted validity of all religions.

¹¹ See *Jan-i-Janan's* text of the letter in *op.cit.*, pp-131-34

¹² Burhan Ahmad Faruqi, *The Mujaddids conception of Tawhid*, Lahore, 1943

With the exception of Mujaddid alf-i-thani, all other Sufis showed great respect for the beliefs of Hindus and based their opinion on the Hindu scripture and not on popular beliefs. The Sufis believed in the doctrine of *sulh-i-kul* i.e., total peace. So Sufis should be considered as precursors of modern religious pluralism and multi-culturalism. Akbar the Great, was also inclined towards Sufism and was advised by his closest associates Abul Fazl and Faizi, both of whom were Sufis. Both the brothers had been persecuted by some narrow minded Ulama but found refuge in Akbar's court. Akbar regarded them very highly and often consulted them while devising his policies towards other faiths.

The Muslim rulers' attitude towards Hinduism and Hindus should also be discussed. Some communal minded Hindus select few examples and maintain that all Muslim rulers humiliated Hindus. One cannot deny such few instances in the history of more than 700 years of rule of various Muslim dynasties but it cannot be generalized in sweeping manner, as communalists seek to do.

The communalists on either side distort history. It is quite problematic to periodise Indian history on the basis of religion i.e., Hindu period and Muslim period.¹³ For example, it is misleading to call a period as Muslim period because neither were all rulers Muslims nor all Muslims cooperated with each other. Also, they did not rule according to principles of Islam. One Muslim dynasty fought against another Muslim dynasty, Khaljis fought against Tughlaqs and Tughlaqs against Lodhis and Lodhis against Moghuls and so on.

¹³ See Romila Thapar's essay in *Communalism in Writing Indian History*

Some rulers were quite enlightened, liberal and tolerant like Akbar, whereas others were orthodox in approach and tended to be intolerant, like Aurangzeb. However, Aurangzeb too has been much maligned as far as his treatment of Hindus is concerned. It is alleged by communalists that Muslim kings demolished Hindu temples because idols were worshipped therein. This is a highly controversial issue as to whether they did so because they hated idol worship and considered it against Islamic teachings or for political reasons.¹⁴

Mahmood Ghaznavi who had attacked Somnath temple in Gujarat and even looted it, has been extensively quoted as an example of how Muslim rulers hated Hinduism and idol worship. However, Romila Thapar, who specializes in ancient and medieval history of India has shown in her book¹⁵ that Mahmood Ghaznavi did not attack Somnath to revile Hinduism or idol worship but had motives of his own. She discusses all possible motives whether economic or political.

Similarly, Aurangzeb has been highly controversial in matters of his attitude towards Hinduism and demolition of few Hindu temples. Aurangzeb was undoubtedly, not liberal like Akbar and a strict follower of orthodox Islam. But at the same time he was a shrewd ruler and knew his political interests well. He had more Rajput chiefs of higher status in his court than Akbar. He could easily defeat Dara Shikoh with the help of Mirza Raja Jaisingh who was the ruler of Jaipur. But for his help, he could not have defeated Dara Shikoh who was appointed as heir apparent by Shah Jahan. He made Raja Jaisingh as one of

¹⁴ See Asghar Ali Engineer *Medieval History and Communalism*

¹⁵ Romila Thapar *Somnath—The Many Voices of History*

the army chiefs and gave him high status in his court, under a well designed strategy.

As for his demolition of temples, many scholars have pointed out that it was political rather than religious. He even gave landed estate to many temples for their maintenance.¹⁶ Thus demolition of temples by some Muslim rulers should not be simplified. It was far more complex in nature and should not be seen as an act of hostility towards Hindu religion. Hindu rulers also demolished Hindu as well as Jain and Buddhist temples. Even Raja Harsh, a Buddhist ruler of Kashmir, demolished several Hindu temples in the valley.¹⁷

Also, as pointed out at the outset, it is important to know who views other religion and with what motive? Is it just a clash between theologies or between political and other interests. One who transcends all interests would never demonize the 'other'. Human attitude towards the 'other' is never determined by any 'pure religious' consideration though it may be posited as such. It is always with mixed motives that a human person looks at the other's religion.

Arrogance of power and political interests always play a very major role in this. Religion of the ruling class seeks to play dominant role simply because it is the religion of ruling class. Religion per se may not promote such attitude but human beings always look at the other's religion from their own social status or power equation. Only those religious persons who do not have any such interests like the Sufis among Muslims or mystics

¹⁶ Asghar Ali Engineer *op. cit.*

¹⁷ See D D Kosambi *The Culture and Civilization of Ancient India—i.1 Historical Outline.*

among Christians or *bhakti saints* among Hindus can view other religion with equanimity and in true religious spirit.

Even those theologians who are in any way part of religious or ruling establishments would view the other religion from their own power perspective. Thus in India too, often Ulama who were part of religious establishment or part of ruler's court viewed Hinduism as an inferior religion or as religion of *kuffars*. They had mixed motives and not purely religious motives.

The Sufis took a very different view of Hinduism because eminent Sufis always maintained their distance from power structure. They also refrained from developing their own establishments. Nizamuddin Auliya who saw times of five sultans never paid court to any and when Jalaluddin Khalji wanted to visit his hospice and touch his feet, he did not agree and also rejected his offer to give the revenue of a village for his and his followers' upkeep.¹⁸

There was tension between Sufis and Ulama as Sufis were open and tolerant and Ulama were rigid and 'purist'. Since Ulama were often a part of ruling establishment they also had arrogance of ruling class and considered Islam as the only true religion. The view taken by chief *qadi* in the court of Alauddin Khalji towards Hindus represents this attitude.¹⁹

Besides these factors one's upbringing, family and social background also matter in developing one's attitude towards other religions. One either develops a sectarian and narrow mindset or a liberal and tolerant attitude depending on one's

¹⁸ See Khaliq Ahmad Nizami *Salatin-e-Delhi ke Mazhabi Rujhanat* p-182.

¹⁹ Khaliq Ahmed Nizami, *op. cit.*, p-232.

family tradition. Narrow interpretation of religion also depends on one's development since childhood. Preachers of religion often take a very rigid view of his/her religion as one wishes to increase one's flock and that is not possible if one adopts a liberal attitude towards other religions. Also, competition to control powerful religious establishment also necessitates a rigid view of religion as it helps tighten one's grip over the establishment.

Today, in democratic polity in multi-religious and multi-cultural societies, politicians are tempted to use the religious card to mobilise voters on the basis of their religious identity and this is best done by vilifying others religions. Media, controlled by different kinds of vested interests, also become a part of the same game of demonizing a particular religion.

After the Partition of India, Muslims were reduced to an insignificant minority in India. Now, they are being targetted by the majority communal forces and Islam is also being maligned. Hindu religion or religious ethos have nothing to do with such vilification, but it is dictated by political need. After 9/11, Islam is being projected as a religion of terror by communal politicians and by media which is also controlled by them.

Muslims being the marginalized minority in India, their religious leaders' attitude has become quite defensive and the Ulama today are far more accommodative towards Hindus than ever before. For Muslims, security of life and property is far more important than religious doctrines and hence the Ulama are trying to cultivate harmonious relation with Hindus.

The media, controlled by a section of majority community, tends to be quite prejudicial towards Muslims and hence the

Ulama have to be quite careful in their statements, even about Islam and Islamic beliefs. Their statements are always under scrutiny. The BJP (Bhartiya Janata Party) representing the Hindus, has aggressively raised the issue of demolition of temples by Muslim kings and during the eighties, tried to mobilize Hindu votes on that basis.

This BJP assault had telling effect on how Muslims look at Hinduism in contemporary India. In Pakistan, where Muslims form the majority community and Hindus are an insignificant minority, Mahmood Ghaznavi is a hero and his attack on Somnath temple is glorified as an act of *mujahid* (holy warrior) whereas in India Mahmood being a villain, the Ulama do not adopt such glorifying attitude towards him and his attack on Somnath.

This example should suffice to show how political situation and security concerns can dictate one's view of others' religion. Thus power equation plays very important role in formation of an opinion. In multi-religious democratic societies like India, inter-religious harmony is most important and all religious leaders, whatever community they belong to, should do everything to promote tolerance, even respect for others religion.

Religion per se, does not promote hatred or feeling of arrogance towards other religions; it is the followers who develop their own theology falsifying other religions in order to attract more people towards their own religion. The theologies developed in medieval ages have to undergo a constructive change to suit democratic polity while enshrining equal rights for all citizens of a country. All people should be treated as equal partners in democratic polity. Muslims in India today are no

more rulers or ruled but equal partners in democratic set up, enjoying equal constitutional rights. Today polity and religion are far apart though some politicians often misuse religion for political mobilization.

Muslim religious leaders should take lead in promoting tolerance and respect for Hinduism as done before by many eminent Sufis. Sufis, in a way, can be role model for Muslims today and large number of Muslims have great respect and reverence for them. The Sufis played eminent role, through their conduct and respect for all in the spread of Islam in India. Their followers should take this task further by creating peace and harmony in the society.

Theology of power should be transformed into theology of respect towards all and fixation with the past should be treated as a great obstacle in the process of constructive change. Islam emphasizes rejection of ancestral past and construction of new future based on faith (*Iman*) and good deeds ('*amal salih*'). Morality is much more important in Islamic teachings than superiority and excelling in good deeds (*istibaq al-khayrat*) is much more significant than feeling of superiority of identity.

CHAPTER 16

Women's Discourse in Qur'an Rights-based or Duty-based?

The Muslim women's issue has become quite important in the contemporary world for number of reasons. Women today are much more educated than ever before and this education is not only a religious education, but a modern secular one. Also, many of them are now working independently and are even financial experts in their own rights. Thus, they are no more dependent on parents or husbands or other male relatives. This self-dependence makes them more assertive of their rights.

Besides, unlike in the past, media plays a big role in reporting cases of gender discrimination or gender empowerment. Now in addition to print media there is electronic media also, which is much popular and has greater impact. For example, when the Shahbano case for maintenance took place in mid-eighties, electronic media was not so much in vogue and the case was reported only in newspapers and magazines. But recently

when Gudia case or Imrana rape case took place, it was widely covered by electronic media and discussions were held in various channels.

All this has increased awareness among Muslim women regarding their plight, who have now started exerting pressure for a change in laws pertaining to marriage, divorce, inheritance, rape and so on. Another important factor that plays a crucial role is the formation of NGOs for women. These NGOs are elucidating women regarding their rights, organizing them and fighting cases on their behalf. Muslim women are no exception to this rule.

Recently, some women formed their own personal law board and challenged the decisions taken by All India Muslim Personal Law Board, largely a male dominated body of conservative Ulama. All the opinions of the board are based on the medieval texts evolved mainly by male-interpreters of the Qur'an and *Hadith*. Women had little role to play in the formulation of these *Shari'ah* laws.

Today the medieval text cannot be enforced mechanically. It has to be thoroughly rethought in modern context. The rights of women are very crucial today and the way they are being violated in Islamic society is attracting wide criticism in media and also in scholarly circles. Many modern Islamic scholars are minutely studying various Islamic texts in relation to women's rights including the Qur'an and are trying to reinterpret them.

A careful study of the Qur'anic text shows that the entire discourse regarding women is right-based and about men duty-based. But in *Shari'ah* laws this was reversed, partly, if not wholly and wholly, in customs and traditions. In this paper we will throw

light on Qur'anic text both in relation to women and men and judge how far it is true. The main source of Islamic legislation should be Qur'an and those *Hadith* which are in conformity with the Qur'anic teachings and not any *Hadith*. Any *Hadith* which contradicts the Qur'an, should be rejected howsoever authentic its narrators might be. Unfortunately, today *Hadith* prevails over the Qur'an, even if it contradicts the Qur'an.

The Qur'anic Discourse on Women

All the verses about women in Qur'an are right based except for two i.e., (4:34, 24:31) which seem to be a prescription of conduct for them. But reading the two verses carefully will throw light upon the fact that they have been carefully worded so that they don't go against women and make them subservient to men as *Shari'ah* texts of various schools tend to portray them. These verses have been much abused by the orthodox Ulama to portray women as 'subordinate sex'. However, a careful reading of these verses does not indicate, in any way, that women are subordinate sex. It should be noted that women became a subordinate sex in Muslim society in spite of the Qur'anic text.

The Qur'anic teachings are basically normative and transcendental and hence all prescriptions about women are right-based, transcending all constraints of time and space. However, when concrete laws were made during Umayyad rule, Muslims had already come in contact with Byzantine and Sassanid cultures, which were based on feudal values and the eminent jurists of Islam living during those times, were influenced in their outlook by these feudal and patriarchal values.

Before we discuss this let us take a view of Qur'an's verses pertaining to women. I would like to refer to the verse (2:228), which is a declaration of equality of sexes and the intention of the Qur'an to project a right-based discourse for women. Needless to say, in pre-Islamic Arabia too, with few exceptions, women were a subordinate sex and the entire discourse was duty-based for women and right-based for men.

The Qur'an, which made human dignity (17:70) its fundamental approach, could not have accepted this situation. Men and women enjoyed equal dignity and since society accepted only male superiority, the Qur'an reversed its priority and made its discourse on women entirely right-based. But unfortunately the society under feudal influences again reversed this and made a substantial part of discourse on women in *Shari'ah* laws duty-based and that of men right-based.

Thus, the Qur'an begins by declaration of equality of sexes and then goes on to prescribe rights for women. Women had no say in choosing her marital mate. Qur'an not only made marriage a contract (4:21) but allowed women to stipulate her own conditions and determine the *mehr* (dower) amount. She could demand as much as a heap of gold (*qintar*) if she likes. In pre-Islamic society, *mehr* belonged to father but according to the Qur'an, it will belong to her and even her husband cannot take it from her. If she wants she can give a part or whole of it to her husband. Even *Shari'ah* had to concede that she could stipulate whatever conditions she liked in her marriage contract and the marriage will be valid only if those conditions are accepted by the husband-to-be.

One can of course say that polygamy goes against her right in marriage and she has to live with co-wives. The Qur'an cre-

ated wives' rights even in polygamous marriage. Firstly, the verse on polygamy is recommendatory in view of the situation that arose as a result of the battle of Uhud in which a large number of men were killed, leaving a number of widows and orphans who had to be taken care of. This allowed men to take four wives from amongst these orphans and widows (see 4:3). But the verse on polygamy too is right based rather than duty-based for women. Men are strictly warned to do equal justice else they better marry one (4:3) and further warned in (4:129) that they cannot do justice even if they so desire and that they should not leave first wife hanging in the air. The very tenor of these verses shows that they are right based for women and duty based for men. The Mu'tazila theologians insisted on reading both verses on polygamy (4:3 and 4:129) together and asserted that the Qur'an recommends monogamy, emphasizing rigorous justice for co-wives which is humanly impossible in case of polygamy. Thus this verse is also clearly right-based for women.

Divorce in pre-Islamic society was an exclusive privilege enjoyed by men. Women had no right to divorce her husband and divorce was quite arbitrary. The Qur'an corrected this one-sided practice and allowed women too, to liberate herself from her husband, if she felt she could not fulfil the *hudud* (limits) of Allah (see verse 2:229). This right of women to obtain *khula'* from her husband is absolute and is further confirmed by the *Hadith* according to which the Prophet (PBUH) allowed *khula'* to Jamila, though her husband Qais bin Thabit loved her and gave her maintenance generously. But Jamila did not approve of her husband's looks and hence she approached the Prophet (PBUH) and he granted her *khula'*. (see Bukhari, *Hadith* 197-199, VI. 7 Book 63)

Thus in Arab society where no right existed for women to divorce, she was granted one and made it absolute. However, in a feudal social milieu where she was confined to home and did not play an active role in public life, her right to *khula'* was subjected to the husband's consent which is not a Qur'anic requirement. Today, according to the *Shari'ah* law, she has to beg her husband for his consent for *khula'* and husband often harass her by refusing to give consent or demanding heavy price in terms of money for the same.

Even if her husband divorces her, Muslim women have certain rights. The Qur'an clearly safeguards her right when her husband decides to divorce her. According to the Qur'an, the husband cannot take the *mehr* amount back, even if he has given her heap of gold. Secondly, she cannot be driven away from husband's house until she observes '*iddah*' (three month's period after pronouncement of divorce).

Also, after the completion of '*iddah*', her husband is either required to retain her in good fellowship or leave her with kindness (2:229). The same verse clearly says that you cannot take anything back from her, whatever has been given to her. She has a right to retain everything given to her at the time of marriage.

If in case a husband intends to divorce his wife, he cannot do so arbitrarily, as it often happens in Muslim societies. The Qur'an requires a process of arbitration before divorce in which his wife has a right to nominate one arbitrator along with her husband who can also nominate one from his people (see 4:35). In this arbitration the wife cannot go un-represented. And divorce has to be given in the presence of two witnesses (65:2). Thus the

Qur'an lays down a proper procedure for divorce so that women do not become victims of arbitrariness. Unfortunately, all this was lost in *Shari'ah* laws and man retains the right to divorce his wife as and when he likes. This is totally un-Qur'anic.

The Qur'an takes into account other possibilities of divorce i.e., divorce before her husband touches her and before he fixes her dower. In that case, he has to pay her some compensation rich according to his capacity and poor according to his capacity (2:236) and if he divorces her before touching her but after fixing the dower amount, she has right to half that amount (2:237) and cannot just be thrown out.

Even after divorce she has a right to maintenance (2:241) and if one goes by the literal meaning of the verse, she will be entitled to maintenance until she remains a divorcee since Qur'an does not prescribe any time period. The Qur'an says in verse (2:241) that to make provision for divorcees in kindness, is the duty of the husband. Once she remarries she will not be entitled to it and if she dies this right ceases.

And if in case her husband dies before her, she cannot be removed from his house at least for one year and it is his duty to make a will to that effect. But if she leaves of her own accord, she can (2:240). She will also be entitled to inherit one eighth of her husband's property as per the verses on will.

Thus, it will be seen that the entire discourse about marriage and divorce of women is right-based in Qur'an. Her rights, in all these respects, have been clearly spelled out without any ambiguity. Yet, in practice these rights are not available to her due to patriarchal social ethos. She enjoys these rights both as married and as divorcee. She is entitled to maintenance when married,

even if she has her own income, more than her husband's. Husband is required to maintain her in any case.

Even in orthodox *Shari'ah* law, maintenance has been well-defined. According to a fatwa given by Ulama during Aurangzeb Alamgir's time and copied under *Fatwa' Alamgiri*, maintenance is defined as to include food, clothes, house and other requirements like maintaining her health and beauty.

Under food it is clearly stated that the wife is not obliged to cook and husband has to arrange cooked food for wife. Similarly, he has to give her stitched clothes and a separate house to live in and if not possible to arrange a separate house. He has to arrange a separate room for her privacy with separate access, so as not to be obliged to share it with other members of the husband's family. He also has to arrange for medicines and other items of toiletry so that she can maintain her health and beauty.

If the husband does not arrange for all these things and also does not pay her reasonable amount in cash for her maintenance, *Shari'ah* gives her the right to remove an equivalent amount from her husband's pocket without being charged with theft. If this is also not possible and husband deprives her of maintenance for long, she can initiate divorce procedure.

The Qur'an gives her right to property, which she enjoys, untrammelled (4:32). Her father or husband cannot force her to share the property with them unless she does it of her own will. She was also given right to inheritance as daughter, as wife and as mother though her share is half that of her brother, her husband and her father (4:11-12). The Qur'an created her right in inheritance where none existed before. The objection that she was given half may be justified in today's context but not in the seventh century context. Also, her right to maintenance

both as wife and as mother offsets her deprivation in share to some extent. Nevertheless she got right to inherit when it was unthinkable in any system of law. The Qur'an also gave right to the father to will before his death and he can will more to his daughters (4:11-12).

The Qur'an gave her equal dignity as pointed out above and protected it by banning certain practices prevalent in pre-Islamic society. The stepsons could marry their fathers' wives. In pre-Islamic society of Arabs, the elder son could marry his father's widows, marrying themselves if they pleased without settling dowry on them or marrying them to others or prohibiting them to marry altogether (Bukhari, 65:iv, 6). Qur'an banned all these practices (see 4:19 and 4:22).

Also, to consolidate her dignity Qur'an made it clear that Allah has created both men and women from a single being (4:1) and thus refuted the earlier belief that Adam was created first and then Eve. Both were created for each other's company (9:71). The story of Adam and Eve has been narrated in Qur'an in a way that does not hold Eve responsible for inducing Adam to eat the forbidden fruit but both are held responsible and Satan leads them astray together (2:35).

And all this dignity and rights were given to her hundreds of years ago when there was absolutely no concept of women's rights, only of duties. The Qur'an does not prescribe duties for her, but only rights. There are two verses, as pointed out above, which are quoted by the orthodox 'Ulama to establish her secondary status as compared to man i.e., the verse (4:34).

This verse is much debated as to whether it establishes superiority of men over women. In fact, the word *qawwam* (maintainer, manager of affairs or one who looks after) is a functional term

and does not ensure biological superiority in any sense of the word. Also, man is not the maintainer in all societies. He was so in the Arab society of the time the Qur'an was being revealed. Today women also earn and hence they also become *qawwams*. There is no question of establishing men's superiority over women and this is further confirmed by following words that: We have given more merit to some over some others; it does not say: We have given more merit to men over women. The words used are very important to note. Still this verse is often quoted to prove male superiority.

The last portion of this verse, it is maintained by the Ulama, allows men to beat their women (*fadribuhunna*) which again is questionable. The word *daraba* has several meanings in Arabic language and even in medieval ages, Imam Raghیب Asfahani, an eminent Qur'anic lexicographer, has pointed out that *daraba 'ala* means she camel going near he camel. In this verse it would mean if women is persuaded after her revolt, you go near her, and not that you beat her.

Women were active participants in all debates relating to their rights and when this verse was revealed and was being debated, they went to the Prophet and asked whether it implies they are inferior to men in any way. In response to their poser, the verse (33:35) was revealed which is a classical statement of equality of men and women. This verse is almost suppressed by the orthodox jurists in all their discourse on women's rights. It further proves that the Qur'anic discourse on women is right-based and not duty-based. This verse should be given top priority in discussing gender question in the Qur'an.

Another important proof of gender equality in Qur'an is that all religious obligations are same for both men and women.

Both are required to pray five times, fast during the month of Ramadan, both should perform hajj, if they have means to do so and both have to pay *zakat* based on one's income. Women have not been exempted from any of these duties.

Also, both women and men have to enforce what is good and contain what is evil and it is on this basis that Imam Abu Hanifa, Tabari and Imam Malik maintain that women can become head of the state and *qadi*. However, many jurists and Ulama, despite all this, maintain that a woman cannot become head of the state though some of them concede she can become a *qadi* (judge).

Why this negative attitude towards women? It is obviously social, not Qur'anic. As pointed out before, human behaviour and opinion is moulded by several factors, social, economic, cultural and political, simply not by scriptural. The whole understanding of scripture undergoes a drastic change or other texts are created (such as *Hadith*) to bring about a change in the understanding of scriptural authority.

Islamic values and theology underwent radical change in patriarchal and feudal social structure. Instead of changing or transforming patriarchal, feudal social structure, the whole scriptural understanding was transformed to suit the patriarchal feudal society. Thus, right-based discourse of the Qur'an for women was changed entirely into one based on duty and the discourse set for men became right-based.

It is because of this transformation from right-based to duty-based discourse that women are suffering in modern society. There is a stranglehold of Ulama on the community and the Ulama are under the stranglehold of the medieval text. They have neither the ability to think creatively in the new context

nor do they have any such training. For any problem that arises, they consult the medieval text and opinions of classical jurists and based on that text they issue their fatwa.

As a result of such attitude, Muslims in general and Muslim women in particular continue to suffer. The *Shari'ah* has totally become stagnant and has lost its earlier dynamism. There is urgent need today to make it dynamic again by revisiting the Qur'anic text and restoring right-based discourse again. This will greatly help Muslim women who also depend on the text and cannot do otherwise. It will be much better if women themselves develop expertise to interpret the Qur'anic text. We need more and more Islamic feminist theologians than ever before.

CHAPTER 17

On *Kufr*, Jihad, Cow Slaughter and Dar Al-harb

Whenever I lecture on Islam or even on communalism and secularism, participants ask me about *kufir* and jihad, Dar al-Islam and Dar al-Harb and position of cow slaughter. There is widespread misunderstanding about these terms—not only among non-Muslims but also among Muslims themselves. It is, therefore, necessary to throw light on these terms. It is highly necessary to remove the misunderstandings in the interest of peace and harmonious co-existence with non-Muslims—both in Islamic and non-Islamic countries.

It is important to note that every new ideology, religion or movement, gives birth to its own terminology. The French revolution gave birth to terms such as fraternity, equality and justice; the communist revolution gave birth to terms like bourgeois, petit bourgeois, proletariat, class struggle and revisionism, etc. These movements were political in nature but religious movements too gave birth to new terms. Buddhism, for example, gave

the term *dhamma*, *dukkha* and Jainism coined the terms *anuvrata* and *siyadwad* or *anekantwad*. On the other hand, Christians used terms like heretics, pagans and heathens for non-Christians.

Some terms are used by the text material of the religious or ideological texts while some are coined later by followers of these religions and ideologies. The terms used by religious texts tend to be more precise and rigorous and have well defined context. But these terms, when used by the followers, tend to be used rather loosely and with personal motives and agendas.

These terms are used not only for non-believers but also for believers themselves, when differences among the followers arise. Sometimes these terms are freely used to denounce those who differ in interpretation of the text or try to apply the text in changing circumstances and absorb new developments. Such free use of these terms, for denunciation of opponents, can and does create serious misunderstandings among others who lack proper knowledge and context of these terms.

The Communists, for example, used terms like running dog of imperialism, petit bourgeois and revisionists and so on against those who differed from official line as prevalent or those who formed another party as against the official party. Similarly, when religions split into different sects, such negative terms were used against those who split from the mainstream. Thus, Catholics denounced Protestants and Protestants denounced Catholics.

Islam too split into several sects and each sect usually denounces the other as *kafirs*, *zindiqs* and so on. Each sect considers the other as either heretic or *kafir*, deviating from the "truth" of the religion. Each sect thinks that it has the monopoly of truth

and the other sect is deviant or committing *kufr*. These terms are also often used for personal animosity as well, thereby creating great misunderstanding.

Certain terms, though not in original religious or ideological text, are coined later to suit new circumstances. But due to frequent use, these terms acquire originality and are thought to be a part of the original text. The non-experts, due to lack of knowledge, believe it to be a part of the original text. Terms like Dar al-Islam and Dar al-Harb came into existence much later, due to spread of Islam in other parts of the world. Their context has to be properly understood.

Islamic Terms and Their Origin

Islam arose in a tribal society which functioned on oral customs and traditions and had no written laws or Prophet or scripture. In the history of Arabia, Muhammad (PBUH) was the first Prophet among Arabs who also brought the first scripture Qur'an. There were several problems in the Arab society of the Prophet's time, which Islam tried to address.

Mecca was fast turning into an international financial and commercial hub and yet lacked any written laws. Because of the commercialization of Meccan society, tribal traditions were being ignored and gross injustices were taking place causing social tensions. The institutions of private property, usually absent in tribal societies had come into existence and conspicuous pattern of consumption was developing. The weaker sections of society, like the poor, orphans, widows and slaves, were being neglected and women were being treated as chattels.

On the other pole of the society, there were powerful vested interests that had enriched themselves through international trade between China, India and Yemen to borders of Roman Empire to the North. Thus, Meccan society was on the threshold of transformation into a developed commercial society and yet lacked the written law and higher religious and social institutions.

Islam tries to fill this vacuum through Prophet Muhammad (PBUH). The Prophet gave higher values to the Arab society, most fundamental of which were equity and justice along with the concepts of universal humanity. Meccan society badly needed these higher values and the concept of universal humanity. For that, the Qur'an, revealed to the Prophet, attacked local, divisive, superstitious practices of tribal Gods and Goddesses and gave the concept of unifying and universal concept of one God—Allah. This could transform the Meccan tribal society into a higher form of universal society.

However, this was not acceptable to tribal chiefs who had formed inter-tribal commercial corporations and were highly proud of their wealth and prestige. They were highly status conscious and not prepared to accept the claim of Prophethood and revelation by a poor orphan boy though he came from a clan of Hashim highly regarded in Meccan tribal order.

The Qur'an, revealed to Muhammad (PBUH), brought new truth to Arab society which did not possess any truth so far. Those who accepted this higher truth were called either Muslim or Mu'min. It is important to note here that there is a definite difference between these two terms. Qur'an itself differentiates between the two. Those who simply accepted Islam without deep understanding as it was a rising religion and surrendered to Prophet's message were termed as "Muslims" (i.e., those who

surrender). But those who believed from depth of their heart and developed higher conviction in the Prophet's message, were termed as "Mu'min" (i.e., those who sincerely believed and committed themselves).

The Qur'an says,

"The dwellers of the desert say: We believe. Say: You believe not, but say, We submit; and faith has yet not entered into your hearts. And if you obey Allah and His Messenger, He will not diminish aught of your deeds. Surely Allah is Forgiving, Merciful." (49:14)

There were two stages of submission and belief. Those who understood the higher mission of Islam—universalizing mission and developed deep faith into it, were called "Mu'min". These Mu'mins were ever ready to sacrifice everything including their own life for the success of the mission. Muslims just joined in for one or the other reason.

It is also to be born in mind that Qur'an gave Arabs the concepts of higher values, which did not exist in their society. The best values among Arabs were chivalry and generosity summed up in the word *murū'ah* (literally "manlike"). However, the Qur'an gave values like truth, justice, equality, benevolence, compassion, peace, forgiveness, humility which were not known to Arabs.

Wealthy Arabs who accumulated wealth were too arrogant to believe in these universal values and higher morals. They rejected the truth of these universal values and continued to believe in tribal Gods and Goddesses with accompanying superstitions and denial of human reason and higher morals, and were termed *kafir* i.e., unbeliever.

The word *kafir* literally means one who hides. According to Imam Raghīb al—Asfahani, who compiled the dictionary of Qur'an, the word *kafara* means to hide. Therefore, night is called *kafir* as it hides everything and a cultivator is also called *kafir* as he hides seeds under the soil for it to grow (see Imam Raghīb Asfahani *Mufradat al-Qur'an*, pp-916-17, Lahore, 1971).

Thus, anyone who hides is called *kafir* and since those Arabs of Mecca who refused to accept higher truth revealed from Allah, and hid it were called *kafirs*. It is important to note that only those who hide higher truth and morals based on this truth are called *kafirs* (plural *kuffar*). However, it does not mean that all those who are not Muslims are *kafirs* as they can also possess truth, though in different forms or through other prophets.

The Qur'an makes it quite clear that Allah sent several prophets and all are not mentioned in the Qur'an. Only few have been mentioned, who came with the message from Allah in and around Arab region like Abraham, Moses and Christ. Only Adam and Noah were not from that region. The Qur'an says that Allah has sent His messengers to all the nations (13:7) and they possess truth. The Qur'an also created a category of *Ahl al-kitab* (people of the book). All those to whom Allah sent His messenger and the book were called people of the book. The Qur'an mentions Christians, Jews and Sabaens in this category. However, it does not exclude those who have not been mentioned in this category by the Qur'an. Many others like Zoroastrians were included in this category. The Sufi saints like Mazhar *Jan-i-Janan* included the Hindus in this category, arguing that how can Allah forget to send His Messengers to India as He had promised to send His Messengers to all the na-

tions. He accepts Vedas as revealed scriptures. He also felt that Hindus were monotheists as they believe in God who is *nirgun* and *nirakar* (i.e., without attributes and shape), which is the highest form of *tawhid* (monotheism, see Mazhar *Jan-i-Janans*' letters translated in Urdu by Khaliq Anjum, Delhi...)

It is also important to note that Qur'an emphasizes the freedom of conscience and rejects any compulsion in matters of religion (2:256) and even accepts right of *kafirs* to believe in what they believe (see chapter 109) and pronounces the doctrine for you is your religion and for me is mine. Those *kafirs* who do not fight with Muslims and live and let live can be befriended. Qur'an permits fighting only with those *kafirs* who fight Muslims and attack them (See verses 2:190 –191).

Thus, *kafirs* have been divided into two categories *harbi* and non-*harbi kafirs* i.e., those who fight Muslims and those who do not. One can enter into a pact with non-*harbi kafirs*. All those verses in the Qur'an, which refer to fighting or killing *kafirs* do not apply to all the *kafirs* but to those who broke their friendship treaty or attacked Muslims. Qur'an does not even permit abusing other Gods unless they abuse Allah (6:109); let alone killing those who believe in other Gods.

Thus one should not read Qur'anic verses about *kafirs* piecemeal but in conjunction with all other verses so that one can understand the overall approach of the Qur'an. The word *kafir* has been used very loosely in the history of Islam and not in keeping with the text of the Qur'an. There are several reasons for such misuse of the word. Of course it is not only particularly so in the history of Islam but as pointed out above, it happens with all ideological and religious movements.

Any disagreement on theological doctrines also results in dubbing the other as *kafir*. Thus, one sect of Muslims denounced the other sect as *kafir* and it was more out of intolerance than theological error. Even individuals who fell out of grace of powerful Ulama were denounced as *kafirs*. Persons like Sir Syed Ahmad Khan, who advocated modern secular education were described as *kafirs* and fatwas were issued against them and fatwa obtained from 'Ulama in Madina to that effect.

In dubbing someone as *kafir*, various motives are at work, including ones disagreement and personal ego or even vested interest. A true Muslim who follows the spirit of the Qur'an would refrain from using such terms. It should be left to Allah to decide. A human being should only express his/her disagreement. Qur'an exhorts believers to accept disagreements and leave the rest to Allah and excel each other in good deeds (see verses like 5:48, 2:148).

Some people, out of ignorance, describe Hindus as *kafirs*. They neither know Qur'an properly nor Hindu religion. Many Sufi saints who knew Hindu religion even accepted them as people of the book, as pointed out above. Qur'an also exhorts Muslims not to denounce others loosely but to argue with them in the best possible manner so as to persuade them rather than alienate them (see verses 16:125 and 3:63). It is a great lie perpetrated by some hostile or ignorant people that Qur'an requires Muslims to convert people at the point of sword. There is not a single verse in the Qur'an to this effect. Qur'an emphatically rejects coercion and promotes persuasion. It believes in excluding others, not on theological but on moral rounds.

Kafir is one who denies all morality and moral truth and even freedom of conscience and human dignity and believes in

exploiting others, indulges in wrong doings and injustice, lies to serve his own interests and persecutes others to pursue his own interests and is arrogant of his wealth and power and denies existence of higher power. One who is humble, just, truthful, compassionate and benevolent to others cannot be called a *kafir*, whatever his/her theological belief may be. Qur'an is very universal in approach and emphasizes upon "vie one with another in virtuous deeds."

Dar al-Islam and Dar al-Harb

The concept of Dar al-Islam (abode of Islam or Islamic country) and Dar al-Harb i.e., abode of war or non-Islamic country is not found in the Qur'an as Islam had not spread to other countries when the Qur'an was being revealed. Islam spread to other areas after the death of the Prophet (PBUH). This concept was thus developed by later jurists who were confronted with the reality of Muslims living in minority in some countries.

Places where Muslims were in overwhelming majority were thus described by jurists as Dar al-Islam and where Muslims were living as persecuted minority were called Dar al-Harb or abodes of war. But there were countries where Muslims lived as minority, yet were free to pursue their religion in peace like India. The jurists distinguished such areas as Dar al-aman i.e., abodes of peace.

In modern times, freedom of conscience (which Qur'an accepted 1400 years ago) is universally recognized in contemporary world, at least theoretically, and so there is no question of any part of the world being Dar al-Harb today. Still many people hostile to Islam or totally ignorant of development of such

concepts keep on repeating these concepts to defame Islam. No serious scholar or jurist describes India as Dar al-Harb.

Thus, it should be clearly understood that these concepts were developed by the jurists in keeping with the past realities and have nothing to do with any Qur'anic doctrine. India and most other countries where Muslims live in minority today accept the right to freedom of religion and hence they cannot be described as Dar al-Harb but as Dar al-aman. However, there may be practical problems and even a degree of persecution of Muslims but that would not be a good enough reason to declare it as Dar al-Harb. Any region can be described as Dar al-Harb, if at all, only if Muslims are not allowed to practise their religion constitutionally or by law. There is no such country in the world today. India is a secular democratic country and all are free to profess, practise and propagate their religion. How can it then be described as Dar al-Harb. Anyone who invokes such doctrine does so either out of ignorance or out of deliberate mischief.

Jihad

Much has been written on this since the events of 9/11. Jihad is to achieve something using one's utmost efforts (see Raghib Asfahani *op. cit.*, 199-200). It may include fighting with weapons as a last resort but also includes fighting against oneself and one's desires which one *Hadith* describes as *jihad-i-akbar* i.e., greatest jihad. Jihad, if one goes to the literal meaning of the word, does not mean war but only utmost efforts and its other derivative *juhud* means according to one's capacity.

Many Muslims, out of ignorance, use it only in the sense of war, which is not correct. Qur'an uses other words like *harb* and *qital* for war but uses the word *jihad* for moral struggle. It is every Muslims duty to continue the struggle for moral excellence, of his own as well as of the society he lives in. To fight against corruption, against environmental pollution, for human rights, for justice for weaker sections of society and such other noble causes is part of *jihad*. Anything, which brings relief to suffering humanity, is part of *jihad* in the way of Allah.

The Prophet (PBUH) basically devoted himself to fight for justice for weaker sections of society in Mecca and hence Qur'an's repeated emphasis on helping orphans, widows, poor, women and slaves. The Prophet (PBUH) had declared *jihad* against all forms of injustices in Meccan society and was opposed in his efforts by powerful vested interests as pointed out above. It is this passion for social justice, which needs to be emulated today by Muslims to become precursors of social justice. There is so much injustice all around and vested interests in our times are much more powerful than in Prophet's time. That will be real *jihad*.

Cow Slaughter

Qur'an nowhere makes it obligatory on Muslims to slaughter cow. It is totally a wrong notion that Muslims should slaughter cow particularly on Eid al-adha i.e., Baqr Eid. There is absolutely no such injunction in the Qur'an. Babar had written in his will to Humayun not to permit slaughter of cow to win over hearts

and minds of Hindus. Some *Nawabs* of Bengal used to give death sentence for slaughtering cows. Recently, Darul 'Ulum, Deoband, the premier seminary of Islam in Asia, advised Muslims not to slaughter cows on Eid al-adha to avoid communal trouble. To respect others religious sentiments is part of higher morality. Islam expects its followers to respect others' religious sentiments and live in peace and harmony.

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