

# **ISLAM AND THE CHALLENGES OF MODERNITY**

## ***An Agenda for the Twenty First Century***

**Shaukat Ali**



National Institute of Historical and  
Cultural Research (Centre of Excellence,  
Quaid-i-Azam University), Islamabad – Pakistan  
2004

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**Dedicated with Love**

**to**

**my beloved children**

**Saleem, Maria, Shahmir & Shahroze**

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## Foreword

On the subject of Islam and the West, or Islam and the challenge of modernity, several books have been published representing various shades of opinion. Some try to reinterpret Islam in the light of western values and others *vice versa*. But in this work, Dr. Shaukat Ali adopts an entirely different approach, the need of the times, which is to explore Islamic values from an indigenous standpoint. His view is that it is neither the West, nor the challenge of modernity, that threatens Islamic principles, but it is something inherent in Islam itself that enables it to adjust to the changes wrought by modern challenges. Following in the tradition of Allama Mohammad Iqbal, poet-philosopher of Pakistan, an effort to meet modern challenges may be treated not as an effort of getting closer to western life, but as an effort to get closer to the original spirit of Islam as manifest in the times of the Holy Prophet Muhammad (PBUH). This very approach has been carried yet further by Dr. Shaukat Ali.

I am grateful to my staff, especially Mehr Abdul Rashid, Muhammad Munir Khawar, Syed Ahmed, Khalid Mahmood and others who were very helpful in finalizing this work. However, the opinions expressed herein are exclusively those of the (late) Dr. Shaukat Ali.

Islamabad  
28 December 2004.

Prof. Dr. Riaz Ahmed  
T.I

## Preface

It is with a heavy heart that I begin to write a preface to this book. My husband submitted the manuscript, *Islam and the Challenges of Modernity: An Agenda for the Twenty First Century* during his life time. Unfortunately, he could not see the publication of his work and passed away on October 3, 2003, in Burlington, Vermont, USA.

First of all, it is my pleasant duty to express my heart-felt gratitude to Professor Dr. Riaz Ahmad, Director National Institute of Historical and Cultural Research, who took keen interest in seeing this book printed under his personal supervision. When I approached and requested him for help, he immediately entrusted the task of revising the manuscript to the late Dr. Rizwan Malik, Senior Research Fellow, who completed the revision but soon after, very sadly lost his life in a road accident in the summer of last year. May his soul rest in peace and may God grant him reward for his efforts pertaining to this book. Despite this tragedy and set back, Dr. Riaz Ahmad kept up the momentum and under his able and instructive guidance, his office staff, in particular, Mr. Abdul Rashid, carried on with the work. The proof reading, editing and checking of footnotes was completed meticulously. The index and bibliography have been prepared by Mr. Syed Ahmad with professional care and expertise. This enormous work would not have been possible without Dr. Riaz Ahmad's dedication to research and devotion to scholarship. He himself took out his precious time to look through some segments of the book. I also glanced through the manuscript during its final stages before it went to the press.

I would like to express the hope that this book will be an excellent addition to the current literature on Islam in the modern

world. Dr. Shaukat Ali was a renowned scholar and a prolific writer. Many of his books were published in the USA and Pakistan. We may expect that this work will be in refreshing contrast to some of the material on this vital subject, which presents a falsified version of Islam. It is on this false, fabricated and distorted image that gullible, educated Muslim youth are fed these days. The most disturbing aspect of this anti-Islam movement of the secular West is that European and American centres of higher learning have always been able to rope in certain Muslim intellectuals who are prepared to subscribe to their misrepresentation of Islam. It is important to note that though Dr. Ali taught at the University of Massachusetts, Dartmouth for almost thirty years, he always wrote with great integrity and intellectual honesty. It is hoped that this book will correct some perceptions about Islam with its well documented contents.

Islamabad  
15 December 2004

Parveen Shaukat Ali



# 1

## *Introduction*

The term modernity has become a subject of world-wide debate and discussion among social scientists, reformers and statesmen. It is basically a part of the western socio-political vocabulary. In 1956, Lewis Mumford, in his famous treatise entitled *The Transformation of Man*,<sup>1</sup> pointed out that change is a continuous process. It is a permanent theme of human history, but there are periods in the story of civilization when change tends to be traumatic and all embracing. He calls such periods as “episodes of civilization transformation”. In his opinion, there have been only four or five such transformations in the Western civilization. The most recent in his opinion was the end of the Middle Ages and the advent of modernity. Transformation is associated with Renaissance and Reformation which gave European thought and civilization a new sense of direction. It marked the beginning of a scientific outlook on life and universe and produced ideas which dismantled the traditional notions of authority in religion and politics.

With its beginning in 14<sup>th</sup>, 15<sup>th</sup>, and 16<sup>th</sup> centuries in Europe, modernity reached its culmination during the 19<sup>th</sup> and 20<sup>th</sup> centuries, with the lightening advancement in scientific knowledge, and universal popularity of liberalism and rationalism in the West. During this period Western thinkers and philosophers developed modernization into an all-embracing economic, social and political philosophy. Enchanted by its dramatic achievements within their own culture, the Western nations felt self confident enough to think of its exportability to other cultures. Their faith in this regard was further strengthened by what they saw in colonies which European states had created in Asia and Africa. Among colonial people they saw pre-rational traditionalism which in their opinion had kept these societies backward and stagnant practically in every sphere of life. They realized that without modernization the native population in colonies would never be able to free themselves from the clutches of

poverty, irrationality and backwardness, yet they were not prepared to undertake concrete steps to introduce large scale modernization among them. The colonial authorities feared it might become a source of popular resistance, or if the natives were modernized, they would become militant freedom fighters seeking independence from the colonial rulers. The fact of the matter is that the essence of the imperialist domination in colonies was economic exploitation. Colonies were basically treated as sources of raw material and potential markets for the manufactured goods of the home countries. Material uplift of the natives, and improvement in the quality of their lives, were not their primary concerns.

The present day interest in modernity, in world politics surfaced only after de-colonization of Asia and Africa between the 1940s, 1950s and 1960s, when the new states commonly called the third world came into existence, and the West came face to face with a despairing reality of the disparity between the developed nations of Europe and North America and the developing societies in the rest of the world.

As the tragic events of September 11 have alerted us, the most significant revolution which is likely to have a far-reaching impact in shaping the future of humankind is the re-emergence of religion as one of the most critical dimensions of socioeconomic and political stability. The rise of Christian fundamentalism during the early years of the last century culminated in the rise of the Christian Right. At the same time Islamic resurgence has also taken hold in the later part of the twentieth century and manifests itself in relatively radical notions of jihad. Notable Western commentators have embraced the notion of a “clash of civilisations” popularized by Samuel Huntington in his book with the same title.<sup>2</sup> More recently the noted orientalist Bernard Lewis has tried to explain the causes of this perceived clash that is often couched in terms of modernity versus traditionalism. Lewis believes that the genesis of the September 11 attacks can be traced to a feeling of inadequacy on the part of many Muslim societies. He acknowledges that Muslims were once the greatest civilisation of their time and are now subservient to so many other foreign interests, which has led to the current resentment.<sup>3</sup> Other writers such as Tariq Ali have simply relegated this to a “clash of fundamentalisms,” and have rushed to judge religion as the cause.<sup>4</sup> The current book is an attempt to provide a more comprehensive and sympathetic assessment of the Muslim perspective on modernity

Before turning to the challenges of modernity and the response of the people of developing societies, it is essential to crystallize in our mind the fact that vocabulary of modernization has not been designed

with precision. Even the term modernity itself is imprecise because in scholarly literature it is often confused with growth and development. The history of the Third world countries during the past fifty years has shown that development generally indicates economic progress, industrialization and progress in transportation and communications, higher standard of education, improved literacy rate, better banking and financial system, growing international trade, and increasing change from agriculture-based economy to one dependent primarily on manufacturing industry. Similarly underdevelopment is mostly envisioned in terms of physical, economic and technological backwardness of society. Paul Hoffman has defined the nature of underdevelopment in a Third world country in the following words.

What is an under development country? Every one knows an under developed country when one sees one. It is a country characterized by poverty, with beggars in the cities, and villagers eking out a bare subsistence in the rural areas. It is a country lacking in factories of its own, usually has insufficient roads and railroads, insufficient government services and poor communication. It has few hospitals, and few institutions of higher learning. Most of its people cannot read and write due to the generally prevailing poverty of the people. It may have isolated islands of wealth, with a few persons living in luxury. The banking system is poor, small loans have to be obtained through moneylenders, who are little better than extortionists. Another striking characteristic of an underdeveloped county is that its exports to other countries usually consist almost entirely of raw materials, ores or fruits or some staple product with possibly a small mixture of luxury handicrafts. Often the extraction or cultivation of these raw materials export is in the hands of foreign companies.<sup>5</sup>

After dealing with developing countries for two or three decades the Western scholars realized that economic growth and rapid industrialization alone could not guarantee sustainable development of emerging societies in the third world. In fact they noticed that in many cases economic, social, administrative and political conditions worsened. The decor of freedom, instead of affluence and improvement in the general quality of life made human existence in the emergent societies even more miserable and hopeless. They experienced chronic shortages of goods and services, lines at the ration depots became longer every day and even those who had the money to buy in the black market had to pay bribes. Conditions deteriorated so badly that corruption which through out the ages has been considered the mother of all evils was dignified with such phrases as speed money and facilitators commission. The western scholars looking at this sad spectacle came to the conclusion that to the challenges thrown by the head-on clash between traditionalism and modernity could be averted if the western nations started pouring billions of dollars worth of foreign aid into the developing countries, hoping it

could help them modernized and emancipate themselves from the chains of traditionalism.

Experience among many developing nations and empirical researches carried out by Western social scientists in case studies of individual countries provide ample testimony that the task of modernization is much more difficult than what it appears in its theoretical framework. This aspect of modernity which pertains to the importation of technology, scientific knowledge and industrialization is easy to achieve, but modernization has another critical dimension which relates to change of attitudes and revolutionary departure from, the deeply entrenched traditional belief system. In other words it demands a cultural revolution of far reaching consequences. It is pointed out that the material and technological elements of modernity alone would not yield the desired results, unless the popular culture is also dramatically changed, the changes brought by modernity are likely to meet resistance from the people. During the last decade of the twentieth century the Western nations in their obsessive fixation to their civilizational superiority, have started emphasizing cultural hang as a more fundamental aspect of modernity than its industrial, scientific and technological dimensions United states which since the dismemberment of the Soviet empire has assumed leadership of the Western world, has made democracy and human rights the central theme of its foreign policy with regard to the developing countries. The same attitude by a vast extent desirable in foreign policies of the member states of NATO in Europe.

This development in the understanding of modernity has produced lot of fears among the modernizing societies of the third world, with the exception of the westernized ruling elites and a small circle of western educated intellectuals the bulk of the people and many of their leaders, particularly those belonging to the religions classes are not only opposed to the superimposed foreign cultural domination, but show undisguised revulsion against it If in a society religion plays a dominant role in a particular culture, secularism would always be considered a toxic pollutant to people of spirituality. Moreover religious societies have a distinctive behavioural pattern about relation between the sexes in society, family structure and its norms, and have special attitudes about such issues as divorce, abortion and homosexuality. It has also been observed that in religious society authority is revered and respected. Men and women in a religious society also have certain unique features in their achievement orientation, and spirit of self-actualization, which are reflected in their work habits, and commitment for economic gains and profit making.

In the modern economic and political thought of the West Max Weber was among the most fervent advocate of secularism, who pointed out unequivocally that religion is an insurmountable impediment to socio-economic development of societies. In his opinion religion is replaced with legal-rational secular culture, nations have very remote chance of modernizing themselves. He pointed out that the West gained momentum towards modernity only after the bureaucracies of the European societies were rationalized and social and cultural ethos of the people were dereligionized. His legal rational model of bureaucratic structure is universally acclaimed as the most efficient way of running an administrative system in a modern complex, industrial society. Inglehart has summarized Weber's view of modernity and its sociological, administrative and political ramifications in the following words.

For Weber, the central element in the rise of modernity was the movement away from traditional religious authority to secular rational legal authority: a shift from ascriptive status to impersonal, achievement base roles, and a shift of power from society to state. Traditional value systems must be shattered in order for modern economic development to take place. In a society undergoing rapid economic expansion, social mobility is acceptable, even a virtue. But in hunting and gathering or agrarian societies, the main basis of production—land – is a fixed quantity, and social mobility can only occur if an individual or group seizes the lands of another. To preserve social peace, virtually all traditional cultures discourage upward social mobility, in which social status is hereditary: but these cultures also inculcate norms of sharing, charity, and other obligations that help mitigate the harshness of a subsistence economy.<sup>6</sup>

Reading through the writings of Weber and even a cursory survey of the literature on modernization that has been produced in the West during the tumultuous decades of the twentieth century one could easily draw a conclusion that modernity is highlighted by secularization, bureaucratizations and transfer of authority which previously rested with religion to state. Protagonists of modernity point out that secularism is the inevitable outcome of the scientific world-view which is totally different from the one held by the sacred/pre-rational outlook which tends to dominate the thinking of the people in developing societies. It is also stated that scientific knowledge rises above cultural boundaries, and could easily be transferred from one culture to another. Moreover once it penetrates the winds of change, the people, the strength of the 'sacred/pre-rational' is eroded permanently and irreversible secularism becomes an all-pervading force in the private and public lives of the people.

Self sustained incremental growth in production and consumption, some kind of public participation in the political process, secularization of norms and beliefs, social and psychological mobility among the

classes are also listed as some of the most critical dimensions of modernization. Lerner also points out that in a modernizing society, human beings must develop a large fund of empathy which would them to overcome the rigidity of attitudes. In other words, modernization means an accelerated tempo of change and a rational planning in a society which previously was economically stagnant and socially tradition-bound. In essence modernization is a multidimensional phenomenon. It has countless variables, and each variable needs to be dissected and examined seriously before policies of planned change could become effective and creative. Lerner has summed up the complexity of variables in modernization as follows:

All models of modernization that aim at generality have dealt in some way with the economic development variables that affect rising output per head directly and visibly, such as industrialization, urbanization, national income, and per capita income. In their quest for model sufficiently general to subsume the move from rising output per head to self-sustaining growth sociologists have added to these variables an enlightenment variable measured in terms of schooling, literacy, and media exposure political scientists have added a power variable measured in terms of participation party membership and voting; psychologists have added a crosscutting variable of personality, measured in terms of authoritarianism, empathy, and need achievement. Anthropologists have enriched the general model by obliging it to account for local temporal variants — those diverse cultures which shape the behavioural variations underlying our common humanity.<sup>7</sup>

The bulk of the twentieth century remained intellectually economically, politically, administratively and socially dominated by modernization i.e. rationalism, materialism secularism, liberalism. The emphasis was also placed on organization, scientific principles, and rational decision making. State is declared an omni competent institution dedicated to the welfare of the society. Near the end of the century however, the west is passing through another ideological transformation. Although at present it is just a ripple on the surface of intellectualism, but its proponent envision that it is the ideology of the future-like modernity, it is also considered not a parochial movement in the west but a universal civilizational trend which would eventually engulf the entire shrunken globe. This philosophical phenomena is called post modernism. There has been a rapid growth of literature about it, but the exact nature of it, and the meaning and purpose for which it has been created is still out of focus. Thinkers who have put it on the platform of public controversy have tried to establish that it is a cultural shift, but there is still a precession of whys and wherefores that haunt and observer of this cultural metamorphosis, which even the most fervent and scholarly and advocates of post-modernism have not been able to answer satisfactorily.

There is nothing much to show by them that would justify the changes they envision are taking place in the attitudes and behaviour of the people. There is no doubt that the generation that is growing up near the end of the 20<sup>th</sup> century was different norms and values than the ones cherished by a generation immediately preceding it, but this had always been the case in human history. It is difficult to understand why at the particular stage in the development of the Western civilization a special need has been felt to coin a term for changes especially when the changes are not so stunningly different from what are already in existence. The shift from medieval to modern culture was dramatically different. Reformation and renaissance coupled with scientific discoveries, introduced a revolution of an immeasurable significance in a human thought. Nicolaus Copernicus (1543) discovered that instead of sun moving around the earth, it was earth that was rotating around the sun it disestablished fourteen hundred year old Alexandrian Ptolemy's views of the planetary movement in the cosmos. The cultural and attitudinal changes claimed by post-modernists to be taking place in this new era are not of that magnitude. They are so insignificant, that to give them some intellectual weight its proponents have wrapped it in nebulous rhetoric or pseudo-philosophical phrase-mongering. The hallmark of postmodernism is that it suspects all ideologies, all religions, and most of scientific explanations of life including the natural sciences. The supporters of postmodernism do not realize that discovery of new paradigms does not throw the previous ones into oblivion. What the post-modernists are doing is that they are only philosophising and putting in scholarly jargon the obvious changes that are already taking place in society.

Modern society is characterized with a desire to maximize economic growth. People's attention is entirely focused on the attainment of higher and still higher level of material prosperity. Commitment, motivation, and self-actualization are considered the highest virtues. In the realm of politics and administration society's greatest endeavour is to create institutions and structures that are based on legal rational model, emphasising rationality and formalization of procedures in rigid legal framework. In the post-modern world, which according to some observers has already begun individual is no more homo-economics. His interest and concern for materialism decreases considerably. He talks more about well-being of a subjective character and there is visible disgust in attitude towards legal and religious authorities. There is a sense of revolt against state domination of individual's life so amply manifested in the bureaucratic despotism which increased at a galloping pace during the twentieth century. In the post-modern world

individualism is the ruling passion, and general disenchantment seems to be rampant in society against all types of authority i.e. domestic, social, economic, political, and religious. Self-expression and political participation are treated like gospels. This however does not mean that these trends automatically replace the traditional political concepts. They are not entirely irrepressible. Dictators could still muzzle their unlimited freedoms of post-modernism. If there is growing sense of revolt against authority in post modernism, there is also demonstrable lack of trust in science, technology and rationality, which constitute the ruling intellectual trinity of modernity or modernization. It also shows deep-seated disorientation with the western and Russian models of economic growth and social planning when one takes stock of the entire, philosophical perspective of post modernism it looks like an ideological convulsion against the dehumanizing aspects of excessive secularization, materialism and authoritarianism of the western civilization based on modernization.

Post-modernism is likely to witness a shift from economic change to cultural change. Rationality is measured in terms of responses that are generated by cultural changes rather than by issues that are raised in society by economic problems. This shift is amply reflected in the political agenda manifestos of groups and parties that articulate public interest, and aggregate the demands and needs of the different sections of the population in a specific culture. There also have been visible changes in the cleavages that highlight every process of democratization. They revolve around peoples concerns about the quality of life, and the whole new spectrum of issues that are rooted in the emerging cultural realities which had not been visible previously. They are issues like protection of environments, abortion, tissues produced by ethnicity, status of women, and most surprising of them all rights of gays and lesbians to same sex marriages, and score of other matters which have made multiculturalism and diversity such sensitive political issues. The whole ideological framework of Left was a generic term depicting all brands of socialist and pseudo socialistic theories of economic planning which were attractive to the working class people. They provided slogans without labour and groups to attack the capitalists who owned means of production and treated labour force with a condescending attitude. The right was an ideological signpost of the middle class white-collar segments of society. Today the thought process in this matter has been totally reversed. The left these days is a favourite theme with middle class intellectuals and the working class people are getting more and more enamoured of rightist thing rubbing shoulders with conservative groups and associations. Cultural change has become so significant that scholars and social



scientists involved in the comparative study of political cultures are now convinced that it is culture which makes democratization more conducive.

It is contended by post-modernists that in this era cultural development democracy would be the most popular form of government. In their opinion post-modernism encourages self-expression and participation among the masses, who believe democracy is intrinsically the wholesome and enriching experience for society, and they do not consider it merely an instrument that ensures economic development. Men and women living in a post-modernist world are more devoted to democracy. There is also glaring and growing popularity of 'citizen activism' which is characterized by protest and agitation. The emergence of this phenomenon is universal; neither west nor east is anaesthetised against it. It is an age of 'people power'. In August 1991 when there was a coup attempt against Gorbachev it was masses in Moscow who took to streets and stopped the insurrection of authoritarianisms which had been the hall mark of communist rule for over seventy years. Miners and workers and crowds of citizens stunted the entire arsenal of Russian repressive law-enforcement machinery. Recent impartial researchers have also shown that in the post modern era there has been tremendous reshuffling in the priorities of the people. It has been established that regardless of the state of economic and socio-political development of the nations of the world there is growing political disenchantment against politics among the common people. This trend is universal, and could be found both among the developed and developing nations. Ronald Inglehart in a recent cross-cultural survey of 43 nations both developed and undeveloped, put a question to the members of his samples regarding the importance they attached to various socio political institutions. They rated the following fields as 'very important in the descending order:

1. Family 83%
2. Work 59%
3. Friends 38%
4. Leisure 33%
5. Religious 28%
6. Politics 13%<sup>8</sup>

Previous advocates of democracy had laid down certain specific conditions for the emergence of a democratic tradition in society. The preconditions were more or less the same as have been mentioned in connection with the rise of modernization i.e. replacement of the sacred with the rational, higher standard of education and firm constitutional assurances about fundamental freedoms and liberties that make society

intellectually spacious enough for free discussion of critical issues in an atmosphere of tolerance. The post-modern view of democratization is that it does not take place automatically when a society attains certain level of educational and cultural sophistication and people become familiar with certain skills like elections party organisation and the ethos and methods of participative approach to politics. There has to be some catalyst agent to trigger the democratic process. Chinese society has not yet fulfilled the precondition of democracy and the internal repression stunted the impact of the catalyst.

Inglehart further added that his cross-cultural study of 43 societies has provided abundant proof that, 'there are powerful linkages between belief systems and political socio-economic variables such as democracy or economic growth rates. It also demonstrated coherent and to some extent predictable patterns of change in values and belief systems'. This is due to the fact that just as an individual is unique in his or her own psychological characteristics, social attitudes, and other attributes of human behaviour, similarly each society is a unique entity in its cultural, and social features and institutions, leadership, historical events, culture, religion, norms and customs.

Thus it seems obvious, that humanity at the threshold of the twenty-first century is in a state of serious ideological flux. Whether these are declining days of modernization or the rising tide of post modernization, communities and societies regardless of their cultural, religious, scientific and technological background are face to face with breath taking challenges. It is not a crisis for one community or civilization. It appears that it is a crisis of immeasurable proportions for the whole world. Willis Hormon has described the psychological technological; material and economic condition of the world standing at the threshold of the twenty-first century in the following words:

The world lacks a viable global future. The industrialized world, having lost any consensus on ultimate meanings and values, steers itself mainly by economic and financial signals serving as pseudo-values. Part of the developing world is scrambling to catch up with the West: other parts are seeking some attractive alternatives to scrapping their own cultural route and adapting the alien culture of the West. Many of the third world countries are caught up in a global arms race to which there appears to be no end.<sup>9</sup>

The above lines, however, do not describe the intensity and the gravity of the problems that are haunting humanity at the moment. The environmental conditions of the globe are worsening every moment. The deterioration has been set in motion by the mindless economic policies of the industrialized nations. Acid rain spelt out the irretrievable environmental radiation of the planet.

Reformers and environmental scientists are agitating about the physical destruction of the planet earth by toxic waste, and numerous other hazards to environments, but we need to be aware of the reality that electronically run world wide mass media is making mind a dumping round of the toxic waste of immorality and in discipline. Many reverted and sociologically and psychologically well- tested institutions like marriage, and family, and values like honesty trust, truthfulness, dignity and integrity have suffered irreparable damages. The historians of religion and civilization have provided ample testimony that human civilizations have passed through such periods of ethical decadence before and survived. In other words there is a cause for alarm, but not of despair. There are visible signs of recovery of moral spiritual ideals as the century draws to its end. In the Western societies there is an emerging demand to subject public officials to greater moral scrutiny and in certain big hospitals of service special training session are being held for doctors and patients in spirituality as a therapy to alleviate anxiety and stress situation. But there is lot more that needs to be done in this direction. What would be achievement rate of nations in this matter would vastly depend on him emerging role of religion among world communities. But this much is certain that development in this matter would not be uniform, because there is a large and wide diversity in the role which each society accords to its religious institutions. Inglehart in his survey of 43 countries has shown this diversity as follows:

Religion plays a much more important role in some societies than the other. In Nigeria fully 85 percent of the population said that 'religion is very lives in South Africa the figure was 66 percent; in Turkey 66 percent in both Poland and the United States 53 percent in Italy the figure was only 34 percent, in Great Britain, France and Germany the figures were 16, 14 and 13 percent respectively. In Russia it was 12 percent in Denmark 9 percent in Japan it was 6 percent and in China 1 percent.<sup>10</sup>

Max Weber in his researches came to the conclusion that religion declines when the world-view of the people becomes scientific sacred, mystical and pre-rational elements steadily disappear, and secularization starts emerging. But the experience of twentieth century civilization shows that even after scientific view of the world has lost its original attraction secularization countries to rule the mind and thought of the Western men. The Marxist route to modernity was achieved through a good less ideology that in its earlier stages was taught as a gospel at a dogmatic level and masses were nurtured on the hope of a Utopia, which had the making of the Day of judgement in the Abrahamic faiths like Judaism, Christianity and Islam! But it is true that scientific knowledge has eliminated the need for religious and moral absolutes which h were required previously to console humans in reconciling with situations

which reason and rationality could not solve. But during the course of solving these problems, many new uncertainties and insecurities have been created, which would need religious absolutes to keep the ship of life on even keel. Science and technology unquestionably in solving countless physical and material problems, have worked miracles, but in the midst of all this, as mentioned earlier, it has created a moral hits, which in our opinion could be filled only by enduring religious absolutes which h have been tested for their efficiency during the immeasurably long journey of human civilization. According to Lewis Mumford a philosopher and historian of human civilization, every civilization has to undergo a period of tremendous transformation of far reaching consequences at some stage of its development. Such civilizational transformations in his opinion are always both constructive and destructive in the realm of metaphysics and ideology. They seal certain vital springs of spirituality, but also tend to unleash new spiritual forces, which provide fresh sources of energy to social systems. Soon after the death of an old civilization humanity feels a new sense of recovery and rejuvenation Mumford has described this process in the following words.

Every human transformation has rested on a non-metaphysical and ideological base, or rather, upon deeper stirrings and institutions whose rationalized expression takes the form of a new picture of the cosmos and the nature of man. We stand on the brink of such a new age: The age of an open world and of a self capable of playing its part in that larger sphere. An age of renewal, when work and leisure and learning and love will unite to produce a fresh form for every stage of life and a higher trajectory for life as a whole. In carrying (human) self transformation to this future stage, world culture may bring about a fresh release of spiritual energy.<sup>11</sup>

So modernization and post-modernization have put contemporary civilization in the twilight zone of hope and despair, and let us hope that it is not hoping against hope that the nations and communities of world will be able to meet the challenges of the next century particularly in the realms of morality and social norms successfully.

It is in the midst of these global perspectives of change and transformation that we have to judge the cultural and civilizational heritage of Islam which is unquestionably in terms of religious and ideological resurgence the most vibrant force in the world today.

The end of the twentieth century — from the time of this writing — is only six hundred days away — will mark from the point of view of some observers, the beginning of a new era in Islamic history. It could lead to changes which in their impart and significance would be comparable to such watershed events in human, are hanging and whose reformative zeal to improve their moral and material life are totally ignored.

In view of the critical nature and complexity of the relationship between Islam and modernity, it is in the fitness of things to clarify the meaning and definition of modernity. It would help us to understand the need of modernization and the kind of challenges that are being encountered by Muslim communities which constitute nearly one fifth of humanity.

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- 8 Ronald Engelhard, *op.cit.*, p.6.
- 9 Willis Harmon, *Global Mind Change: The Promise of the 21<sup>st</sup> Century* (New York: Berret-Kohler, 1998).
- 10 Engelhard, *op cit.*, p.6.
- 11 Lewis Mumford, *op. cit.*, p.1.

## ***Muslim Modernism: Rationalists and Apologetics***

No other term is mentioned with greater frequency in the vocabulary of development liberation relating to the third world as modernization. Its definition and exact meanings, however, are still shrouded in ambiguity and numerous misconceptions continue to create puzzlement for scholars and policy-makers. In the minds of the millions of people modernization is synonymous with westernization. There are others who consider it a vital aspect of nation-building and technological advancement. Among certain other circles it is understood as a movement for sociological change in society and weeding out institutions which have lost social value. It is construed as some kind of internal revolution that challenges traditional customs and values that compels the people to emancipate themselves from traditional beliefs and mores. No matter from whatever angle we might judge modernity one thing can be said with certainty that it entails considerable fermentation and change in social relations, economic philosophy and political structures. There are also some other additional questions that need to be answered before an individual could crystallize his thinking about modernization. Who would herald modernization? Is it to be accomplished by a charismatic leader or through the collective will of the community as represented in broad-based democratic institutions? Are modernity and traditionalism totally inconsistent? Is modernity culture bound or is it something universal? What is the role of religious and political ideologies in modernization? Does it mean a complete break with the past?

These and a host of other questions have perplexed those who have focused their attention on the trends and events which in the name of modernization are shaping the destiny of the teeming millions in the developing nations. As mentioned earlier there are inherent ambiguities

in the concept, but in recent years scholars have tended to agree on three fundamental issues. Firstly, modernity if it is synonymous with westernization, then its application in other parts of the world is problematic, because it is unique to an industrial society that emerged in the wake of Renaissance in Europe. Secondly, recent research has provided ample evidence that the assumption that modernity is the only factor that could dispel backwardness of a static social system is unfounded, and thirdly, a close look on human civilization shows that change has never meant complete disengagement from the past. If change is the yardstick of modernity then it has to be examined and judged in the light of its proper historical perspectives.<sup>1</sup> Moreover, it is difficult to say that any society is completely static. There is always an element of change even in the most traditional society and there is hardly any modernized society which is completely free from traditionalism. For instance after its early meteoric rise, Islam is generally described by historians to have become stagnant. But a careful examination of its historical evolution would show that it is a very superficial observation, because during every period of its history there were reformers who always changed institutions and practices to meet new challenges. Similarly in the most advanced and dynamic industrial societies like England and America many traditional characteristics still constitute a critical dimension of people's behaviour.

About modernization of the Muslim World there are two distinct schools of thought. There are scholars who are convinced that the transformation that was initiated during the nineteenth century in various Muslim countries was an indigenous product.<sup>2</sup> It was a reformation that was fed on internal realization among the leaders of the reform movements, that the old structures and numerous traditional institutions were being over-burdened by stresses resulting from a new set of interpersonal relations, more dynamic social groups, and by new political aspirations among the educated classes. The advocates of this view believe that governments seldom initiate change in society. The agents of change are forces that are never state-sponsored. Government intervenes only when it realizes that changes that have taken place need institutional adjustment to make policy-making machinery more efficient and productive. The government can legitimize its intervention in the name of religion, an ideology or any other idea that has popular appeal at a particular time. It is further added that during the process of modernization, the society is torn between competing ideologies. The conservative groups show their distaste for the change by hearkening the masses to return to the past when peace and bliss reigned supreme in the life of people. The modernists on the other hand are obsessed with the

idea of radical transformation and label every traditional view retrogressive, shop-soiled and useless. If we examine them carefully, both schools of thought seem unrealistic. Modernity and traditionalism can always co-exist.

Kemal H. Karpat, in order to demonstrate that modernization is an internal phenomenon of each society, has cited the land reform movement in the Ottoman Empire during the nineteenth century. Traditionally all land in the Empire was owned by the state but after Tanzimat, there was a desire on the part of the people to own land privately. This movement created landlordism among the Ottomans that had far-reaching implications for the social, cultural, and economic life of the people. Individuals used all kinds of titles to grab land, and because of the inadequate state records the government had no means of verifying these titles. Those who were unscrupulous deceived the fellow citizens and cheated the government and consolidated as much land holdings as they could.<sup>3</sup> Karpat concludes his analysis with the remarks,

we may say that the changes in the land regime embody the economic and social forces which generated the internal need for modernization in the Ottoman Empire and the Arab lands under its rule. The changes in the land regime permitted the emergence of a new social order that followed its own laws of evolution. This new social order gradually but definitely undermined and rendered inoperative the traditional social order and the political system that preserved it.<sup>4</sup>

The second approach which is more popular, and is widely discussed by scholars and historians is that modernization in Islam is a direct outcome of the infiltration of western ideas in the static Muslim societies during the eighteenth and the nineteenth centuries. Daniel Lerner has concluded that the term modernization currently being used for Islamic renaissance is of a very recent origin. During the nineteenth century, the process of change overtaking the world of Islam was generally known as “Europeanization”, but with the advent of American education and missionary activities, scholars started using the term ‘westernization’. After World War II when these lands became independent, under the impact of growing nationalistic fervour the term modernization was found more relevant and appropriate. There is, however, one clear difference between Europeanization and modernization that needs to be kept in view. Europeanization during the last century was confined only to the leisured class, the upper crust of the society, who could afford to send thaeir children abroad or had the means to import advanced technological gadgets. Modernization on the other hand is a much more universal phenomenon. Its ramifications are spread over vast segments of society.<sup>5</sup>



## Modernism in the Muslim World: Historical Perspectives

It has often been mentioned that modernization in Islam is nothing but a deliberate induction of a traditional society into the liberal rational tradition of the west. The first seeds of this metamorphosis were sown in the Ottoman Empire as far back as the last decade of the seventeenth century. The Ottoman Empire after suffering two stunning defeats at the hands of Austria and her allies was forced to sign two extremely humiliating treaties of Carlowitz (1699) and Passarowitz (1718). These defeats produced an anxiety among the Ottoman rulers to explore the causes of western superiority. This created among leading statesmen of the empire a desire to emulate Russia under Peter the Great who by westernizing his country had given it new political strength, greater military vigour, and increasing diplomatic leverage in world politics. The most important of them was Ibrahim Pasha who was Deputy Grand *Wezir* in 1716 and then Grand *Wezir* from 1718 to 1730. In 1721 he sent Yirmisekiz Mehmed Said Pasha Effendi as ambassador to Paris with special instructions to find out the causes that had led to the advancement of civilization in the west and develop a scheme by which some of its aspects could be transplanted in Turkey. There was no major cultural transformation, but the advanced methods of printing were introduced and certain reforms in the organization of the Ottoman navy were initiated. Other than that, in the realm of scientific and rational thinking, the Ottoman Sultans remained resistant to change and tradition-bound.

During the closing years of the eighteenth century the political and ideological edifice of the Ottoman Empire was collapsing very fast under the weight of its own inadequacies. There was confusion and corruption rampant everywhere and there was widespread depression and frustration in society. It was in the midst of this climate of despair that Selim III (1789-1807) sowed the seeds of modernization that had far-reaching implications. He introduced a reform program called *Nizam-e Jadid* that opened the floodgates of foreign influences. This step, however, though a landmark in the history of modernization of the Muslim world, was only a modest one. *Nizam-e Jadid* was primarily an effort to modernize the army by equipping it with modern weapons, skills and strategies. There was no broad-based manifesto for social reforms in this program. His initiative, however, created awareness, that the erosion that had taken place in the Muslim society could not be stopped without change. Muhammad Ali's modernization of Egypt and the reform ideology in the Ottoman Empire under the banner of Tanzimat were the culmination of the momentum given by the *Nizam-e Jadid*. The spirit of modernization that was operating behind these two major reform movements in the

Islamic world, was however, not indigenous in character; it was borrowed from the West. A handful of intellectuals and a group of enlightened bureaucrats who provided the thrust and strength to these movements were convinced that the European society was superior in every respect, and as such without importing western institutions, salvation from social, moral, and political bankruptcy of the empire was not possible. They also believed that the traditional institutions had become hollow and moth-eaten.

In the Ottoman society the role of the government was very limited. It was confined only to the defence of the frontiers and the collection of revenues. Matters such as education, health trade, agriculture, and industry were left to autonomous millets. Moreover, all laws and decrees were subject to veto by the religious hierarchy that had been created by the state to preserve the sanctity of the religious law. Muhammad Ali in Egypt, and proponents of the Tanzimat wanted to change this pattern. In administration they desired more bureaucratic centralization and would like the state to assume much wider responsibilities towards the general welfare of the masses. All this led to the emergence of many complex institutions that had not existed before. More than anything else this reform movement produced a new ruling class. The main qualifications of the traditional ruling elites were loyalty to the Sultan and the knowledge of the Muslim religion. A member of the new ruling class in addition to that was expected to be in possession of an insight into the modern sciences, and understanding of at least one European language was considered essential professional equipment. These 'Men of Tanzimat' became a source of inspiration for the later generations of intellectuals in the empire who widened the scope of modernization. This early modernization as mentioned before was fundamentally synonymous with westernization. Its impact on the Muslim society was not so deep because the reformers stretched their abilities too thin in pushing the people to accept things for which they were not yet mentally prepared. As a result the impact of this reformation was rather superficial and seemed to be nothing more than a 'western caricature of their traditional ways.'<sup>6</sup>

But such a situation could not last for too long. If gunnery and technological advancements like printing could be accepted, recognition of sociological and political ideas could not be far behind. The French Revolution was an event of global significance. Its ideas of liberty, and equality, attracted world wide attention and were a source of intellectual and philosophical fermentation in many Muslim lands. Bernard Lewis says:

The crucial period in the transmission of the ideas of the French Revolution to the Muslim Turks was the year 1792-1807, beginning with his deposition. During these years, while the Revolution itself was still in progress, the first vital penetration of ideas took place, opening the way to the great fold which, in the course of the last century and a half, has transformed the outlook, thought, and self-awareness not only of Turkey but of all Islam.<sup>7</sup>

So far as the French Revolution was concerned, the most important aspect of this upheaval, from the point of view of the ideological future of the Muslim world, was Napoleon's occupation of Egypt. He was accompanied by a large contingent of scientists and scholars whose main assignment was to explore the social and cultural dynamics of a Muslim society. Many of them learned Arabic and communicated freely with all the elitist groups including the ulema like Shaikh al-Mahdi, Shaikh al-Khashshab, Shaikh al-'Attar and Shaikh al-Jabrat.<sup>8</sup>

In attributing the beginning of the western contact with the Arab world entirely to the French occupation of Egypt, a note of caution however, would not be out of place. Historical episode of the magnitude of Islamic reformation cannot be capsulated in the events taking place in a single year. Any approach based on such a conclusion is bound to be superficial. Reformative movement, whether secular or religious, are always resultant of multifarious causes, the arrival of Napoleon's armies at Abu Qir Bay in July 1798 could not be compared to the arrival of commander Perry at Yedo Bay in Japan in July 1853. Before Perry's landing, Japan's contact with the west was almost non-existent, but Egypt on the other hand, as a part of the Ottoman Empire, had been in continuous touch with the western civilization long before its occupation by Napoleon. During the time of the Mamluks, the British and the French signed many commercial treaties with the Egyptian rulers. It is said that many European merchants lived permanently in Cairo and Alexandria, and were always distinguished from the native Copts by the title *franj*. In fact Napoleon in his first proclamation mentioned persecution of the French citizens as one of the causes of his invasion. Afaf Lutfi Al-Sayyid Marsot construes that the contact due to French occupation between the French savants and the Egyptian scholars was too short to produce any lasting effect on the mind and thought of the Egyptians.

The same can be said about nineteenth century Iran where modernization was always considered synonymous with westernization. At the turn of the past century Iran was politically and administratively unhinged. The incompetence of the rulers was reflected in every area of national life. The struggle for power in the state was acute and vicious, and relations among various elitist groups were contaminated with bitterness and rage. Obviously it is in times like these that the urge for

change seems to germinate in human mind. Like the Ottomans, the seeds of modernization in Iran were also sown first in the military organization. Abbas Mirza Crown Prince under Fath Ali Shah Qajar suffered two humiliating defeats at the hands of Russians in 1813 and 1828; as a result of which he pleaded with his father that the only way Iran could stop Russian encroachments was to create a modern army based on European model. He was also the first leading member of the royal family to perceive that Iran would gain tremendous advantage if young men were sent to Europe for higher studies. In 1811 he requested Sir Harford Jones to take two young Iranians with him to England to study advanced European sciences. From this modest beginning later it became a regular feature of state policy to send students abroad, to acquire advanced knowledge in such sciences as military, mining, and medicine. Hafez Farman Farmyan while discussing the role of those returning Iranians from the West in the modernization of the country has made the following remarks:

Western trained Iranians as a whole have been very significant modernizing force during the nineteenth and twentieth centuries. For more than a century and a half, the ambitious young Persian has been looking toward the west as the source of inspiration and ideas. During this time, in the minds of the Persian reformers and innovators, modernization and westernization have become two identical concepts.<sup>9</sup>

Another evidence that modernization in Iran was closely linked with westernization is that in 1851 *Dar al-Fanun*, the Polytechnic College, was founded in Tehran for which most of the instructors were hired from France, Austria and Italy.<sup>10</sup> Even some of the Iranians who were on the staff had been trained abroad. For instance, Malkam Khan (1833-1908), who later for his revolutionary social and political writings attained international fame, started his career in this institute and later completed his education in Paris.<sup>11</sup> Another source through which the western influences penetrated into Iran during the nineteenth century was free masonry. Its lodges were popular haunts for free thinkers. They were often labelled as sceptics and even heretics by the conservative religious classes. Many of the Iranian reformers who studied in Europe during the nineteenth century were members of this world-wide European organization that preached free thinking encouraged people to revolt against tradition.<sup>12</sup> It was this scepticism against religion generated by close contact with the free masonry of Europe that made western educated intellectuals of Iran so hostile to the religious hierarchy of their country. Mirza Saleh, the first Iranian to attend Oxford University during the early years of the nineteenth century has left a record of his travels in his memoirs. While passing through Turkey he witnessed how the forces

of reaction led by the Muslim clergy had killed Sultan Salim III's *Nizam-e Jadid* and was successful in deposing him. He captured his impressions about the role of the ulema and the adverse effect it had on the affairs of the state in the following words:

...as long as the mollas interfere in the affairs of the Ottoman government it shall make no progress. Sultan Salim made an attempt to introduce the European order in Istanbul but the mollas stupidly called this order non-Islamic. The Sultan also wanted to introduce European science but the mollas again through jealousy prevented him and thus kept the people from leaving the path of ignorance and darkness. In fact it is obvious that whenever the mollas interfere in the affairs of any government that country and that administration shall never make progress.<sup>13</sup>

In making an estimate of the modernizing trends in Iran during the nineteenth century it is essential to take into account the work and achievements of Mirza Aqa Khan Kirmani and Mir Ahmad Kasrari whose revolutionary ideas had deep impact on the growing tendency of westernization among the educated Iranians. Mirza Aqa Khan was born in 1853-54 in a village west of Kirman city, and was executed in July 1896, for being associated with a Bahi assassin Mirza Riza Kirmani who killed Nasir-ud-Din Shah. Mirza Aqa Khan had been nurtured on the reformative tradition unleashed by Jaml-al-Din Afghani, and was a voracious reader of western history, literature and philosophy, and translated some of them like Fenelon's *Telemaque* and Bernardin de Saint Pierre's *Le Café de Surat* in Persian language. It would also be a reasonable guess that he read Descartes, Rousseau, Voltaire, Montesquien, Spencer, and Darwin. With this extensive assimilation of western thought it was simply impossible to think that Mirza Aqa Khan would be satisfied with the religio-political philosophy of traditional Islam. It produced in him ideals that differed completely from what had been the core of the thinking of the traditional Iranian intellectuals.

Mirza Aqa Khan's basic thrust was to introduce reason as the primary factor in all human endeavours, to preach territorial nationalism as a secular religion, and to criticize religion and religious circles for their retrogressive attitudes. In an introduction to one of his works he said,

My aim was to express the truth of all matters-impartially-historically and with the help of rational proof. In reaching my conclusions, I was subject to my personal appraisal. I was thus an interpreter and not an imitator.<sup>14</sup>

His criticism of the contemporary Iranian society was sharp and bitter. He denounced the traditional educational system in no uncertain terms. He called Persian mysticism and metaphysics as "nothing but a crop of brutish idleness and sloth and the product of religious mendicants

and beggars.”<sup>15</sup> In his opinion the deficient education of Persia had been the source of poor moral values and beliefs. Like the western Orientalist, he questioned the right of Islam to be declared as the best religion. He argued that judged rationally all religions were right. He was very critical of the official Shi’a hierarchy of Persia, and considered veneration of *Imams* and *Imamzadehs* as totally unrealistic. He once said, “If one wishes to witness a sample of the Persian misery, one should accompany them to Karbala or Najaf the state of their misery is beyond the power of description.”<sup>16</sup> It was not merely the Shi’a religion that he thought irrelevant, his attitude towards the entire religious doctrine was that of a pathological septic. He shows his modernity or love for westernization by further adding that polygamy was an un-Islamic institution, and that seclusion of woman was source of wide-spread corruption.<sup>17</sup>

As a rationalist, Mirza Aqa Khan had deep-seated revulsion against the Arabs. He believed that they were the sole cause of the ruination of Iran’s luminous pre-Islamic cultural heritage.<sup>18</sup> He was even very disrespectful to the family of the Holy Prophet whose love and enduring adoration constituted the crux of the Shi’a religion. And even went to the extent of saying that the Qur’anic laws were promulgated in Arabia primarily for the Arabs, and when they were superimposed on other cultures it meant considerable amount of intellectual anarchy and confusion. He mentioned his country as a noble Aryan nation with Zorastrianism as its religion that was most suited to the Persian mind.<sup>19</sup>

Mir Ahmad Kasravi, born in 1890 and assassinated in 1946, was unquestionably among the most controversial of the modern Iranian intellectuals. Many of his followers had declared him as the leading theoretician of modernization of Islam in Iran. There are others, however, who regard him a *mulla* disguised in modernity, which further confounded the dogmatic confusion of Islam. There are still others who consider him a militant constitutional, a subversive radical, whose writings encouraged the socialist movement in Iran. Kasravi evolved his ideology of modernization by saying that progress is the essence of human life. But progress is accompanied with friction and struggle. The first relates to man’s chronic struggle against man to improve the quality of human life. His views on religion are vastly modern because in his opinion it is more a sociological phenomenon than an instrument meant primarily for spiritual sublimation. He said,

My use of the term *din* is different from those of others. I use it to describe an ideology that teaches people the true meaning of life and gives them a practical code of ethics. When groups and individuals have a code of ethics they are able to live in harmony. And living in harmony they are able to pursue the main goal of struggle against nature.<sup>20</sup>

He was not a revolutionary who relied on violence. In his book entitled *Inqilab Chist* (What is Revolution?), he has criticized those who are agents of sudden change. For him gradual educational induction of the masses into new norms and values is less disruptive and more gainful sociologically and politically.<sup>21</sup>

The above mentioned synoptic review, furnishes a clear index that the reform movements in Turkey, Egypt and Iran during the nineteenth century, were fundamentally directed towards the westernization of the cultures of those lands. The European powers which had established a firm foothold in these countries were using the western educated native intellectual elites to initiate changes that would make these societies dynamic and progressive.

Modernization of a Muslim Society is, however, vastly different from similar transformation in any other society. In other societies, while making changes in social, economic and political institutions, religion is seldom brought into discussion and even in evolving principles of public morality very little attention is paid to religious precepts. This is, however, not the case in an Islamic society where religion still comprehends every aspect of human existence. Its all-pervading spirit dominates both the individual and collective life of the believers. Nothing will be deemed legal, and capable of winning popular support unless it is in consonance with the laws of *Shari'yyah*. Therefore no matter, at what issue of national life a public debate is being held, it automatically assumes a religious character. It is for this reason that in every period of the history of Islamic civilization ulema and specialists in the religious doctrine, always played a decisive role in the formation of public policy in a Muslim state. In many cases they could virtually exercise a veto on the laws passed by the ruler. Islam as a religious doctrine is much more demanding and exercises tremendous control over organized life of the community. In this matter it is totally different from Christianity. Christian religion arose in a community which was dominated by a powerful state, and out of sheer helplessness it had no choice except to maintain a separate identity, and to stay away from interfering into the working of the government or the framing of laws. Islam on the other hand emerged among people who were free, had no state in the technical sense, and no formally organized machinery of government; as such Islam in order to give the new Muslim community a firm base, had to give them a frame of reference for political organization, and in order to make it effective and efficient it was incorporated in the religion itself. There is a tendency among European observers to consider this merger of religion, law, morality and politics as incomprehensible. This kind of observation, however, is a grave

mistake and shows either prejudice or ignorance or may be both. The fact of the matter is that on closer examination, one realizes that by integrating religion and politics, Islam has rendered great service to human civilization; it has saved state and its institution from being judged according to hedonistic utilitarianism, theories of social contract, and dialectal materialism. It rules out the possibility of two powerful spiritual and secular hierarchies existing side by side because such situation is always susceptible to friction and disorder in society. Christianity which created such hierarchies had to pay a heavy price in the form of wars and squabbles.

By declaring religion and politics two facts of the same reality Islam eliminated the need of priesthood, and thus saved its followers from the tyrannies of The Logical Councils, Holy Synods and Inquisition Courts which were common features of the history of Christianity. If a Muslim society is patterned truly according to Islamic ideology, it can always be assured of solidarity and peace.

Comparison between two religious ideals, however, is always a delicate matter. It is a universal tendency among believers of all religions to deviate from their original idealism and simplicity and drift towards complex and often irrational dogma. Islam also suffered similar fate very early in its history. The mushroom growth of sects, and mystical brotherhoods deprived Islam of its pristine simplicity. This led to the rise of ulema as a class. In the beginning, the ulema acted mostly as a loyal opposition to the rulers and defended the religious doctrine against heresies; but gradually they abandoned their correctional attitude towards the community affairs, and they became deeply embroiled in the power struggle in the state. As leaders with direct contact with the masses, they could strike a considerable amount of fear in the mind of the rulers. Therefore to control them and exercise constant vigilance over their activities became one of the major responsibilities of the state. The easiest way for the rulers to do so was to integrate all leading ulema within the bureaucratic machinery of the government. Those who protested against such a move were silenced by force. This pattern continued to exist throughout the history of Islamic civilization, and as Islam entered the nineteenth century and Muslim rulers showed positive inclination towards modernization, the ulema had no effective means to question the legitimacy of this movement. The attitude of the ulema, however, was not universally the same in every Muslim land. It varied a great deal from one Muslim society to another according to its environments, the logic of the situation, and the strength and competence of the rulers. Expediency, political realities and self-interest were often the governing factors of their behaviour.



During the entire history of the Ottoman rule, the ulema were always listed as a class of 'notables'. Their hierarchy was included among the ruling institutions of the state. Their power was mainly derived from their knowledge of the religion, their presence was necessary because they alone could issue religious edicts that could religionize the policies of the state. As *Mufti*, *Qadhi*, *Naqib* and *Na'ib* they were spread all over the empire. In many cases, due to the prestige and power that accompanied these offices, there was a tendency to make them hereditary, but in theory they were open to all Muslims. Through their close connection with the commercial classes, and as custodians of *awkaf* there were ample opportunities for them to amass a lot of wealth. Because of their religious position their worldly possessions were safe from any arbitrary confiscation.<sup>22</sup> As the empire entered the nineteenth century it seemed to be decaying and heading fast towards its ultimate dissolution. In these critical circumstances, the Ottoman ulema took a firm stand in favour of the reformist statesmen. In some cases even initiated plans that would change numerous traditional institutions of the society. The Egyptian ulema on the other hand, during the same period remained committed to conservatism. Even the shock of the Napoleon invasion and glaring demonstration of how vulnerable the Muslim world had become against West's material and military superiority was not sufficient to change their attitude towards reforms. They attributed Egypt's defeat to the lack of the strength of character and ineptitude of the Mamluk rulers. Therefore in the midst of anarchy that followed the evacuation of the French, the Egyptian ulema supported the strong personality of Muhammad Ali. But once they had installed the new ruler, they withdrew to their theological seminaries and started giving sermons against innovation and change in society. Muhammad Ali, however, who had put his heart on the thorough westernisation of his country discerned in them a potential threat to his regime, and took drastic steps that could neutralize their influence. He weakened them materially by confiscating their *iltizam* and *awkaf* and deprived them of their political effectiveness through a policy of "divide and rule."<sup>23</sup> Muhammad Ali and his successor Khedive Ismail adopted these measures because they were convinced that without emulating western civilization, a decadent Muslim world of their time could not be rejuvenated, and nations that professed Islam would not be able to find a place of respect in the comity of civilized nations.

In Iran the religious classes were also soaked in conservatism during the nineteenth century. Unlike Egypt, however, the rulers of that country also lacked progressive outlook, except for Crown Prince Abbas Mirza who took positive steps towards the modernization of army and

bureaucracy, the rest of Qachar rulers remained committed to conservatism. The long rule of Nasir-al-Din Shah 1848-1896 was entirely devoted to the maintenance of status quo, and he was not prepared to undertake any political risk that would incur the ire of deeply entrenched Shi'a clergy. The Shah in the beginning of his reign introduced some very modest reforms, but seeing that the ulema and other vested traditional interests were putting up vehement resistance gave up his concern about modernization and then the rest of his life never showed any anxiety to lead the Iranian nation on the path of educational or social regeneration. He feared that western education had germs of revolt and he was always afraid of being assassinated.<sup>24</sup>

Another part of the world, which though not predominantly Muslim, but where Islam had very deep and enduring roots was South Asia. Islam entered this region very early in its history. In a short period of time the Muslims multiplied in numbers very fast both through conversion and immigration. Wave after wave of Muslim invaders came from the North-west, conquered the territories and then settled to rule. Over a period of several centuries series of dynasties arose and fell and the last of them, the Mughals, were defeated in 1857 and the sub-continent passed under the colonial rule of the British. During the course of their political ascendancy the Muslims had developed a very profound tradition of Muslim theology, which seemed to be threatened by alien influences that came in the wake of foreign domination. For the last two hundred years the Muslim rule had been in a state of decomposition, and vast areas were subjected to permanent anarchy, and after losing their mastery of the land, the Muslims of the sub-continent felt totally humiliated and shipwrecked. Their minds were haunted by stifling fears about their future.

The rise of militant Hindu nationalism made their anxieties even more nightmarish, because Hindus being a majority community, by their assertions and propaganda left no doubt in the mind of any observer, their deep-seated hostility to the entire Islamic Cultural and religious heritage. Christian missionary activity which was a natural accompaniment of European colonization in Asia and Africa further aggravated the mode of desperation among the Muslims. It was in these circumstances that during the second half of last century the movement for the modernization of Islam, and its institutional framework over the sub-continent was started by Sir Sayyid Ahmad Khan, a Muslim savant who's religious and political ideas left a lasting impact on the later religious movements over the sub-continent. Unlike Egypt and Turkey there were no enlightened rulers or western-educated bureaucrats to support him, but the British colonial authorities did extend to him

support and encouragement, so that he could build up powerful organizational machinery for his reformatory crusade. It took the form of Aligarh College that later on became a University. Sir Sayyid gathered a constellation of literary and intellectual luminaries around himself who worked for the cause of religious reformation with undiminished zeal and zest. The British lent him a helping hand for various reasons. Some were genuinely convinced that Islam's survival in the modern world of liberal thought and scientific advancements was impossible unless Muslims introduced some revolutionary changes in their accumulated religious heritage. There were others who offered support out of sheer selfish interests. They wanted to weaken the resistance of the orthodox circles who were militantly opposed to the foreign rule and labelled western scientific knowledge heretical. Without going into this controversial aspect of Aligarh movement, there is one thing about which we can be very sure that Sir Sayyid and his collaborators, like contemporary Muslim reformers in other lands, were honest and sincere in their assessment that Islam had reached a cross-road where it must change a sense of direction, reinterpret some of its basic tenants, and dispel its traditional antipathy to rational sciences.

Indonesia stands at the end of the eastern frontiers of the Muslim world. In terms of population it is the largest Muslim state and has been a repository of a very long tradition of orthodox Islam. It was introduced here very early in the history of Islamic civilization, and through the tireless missionary work of Arab traders, who frequented the ports of this sprawling archipelago, the new religion was able to triumph over pre-Islamic paganism and Hinduism. The Europeans appeared on the scene in the beginning of the sixteenth century. Holland was unquestionably one of the most intolerant colonial powers. During their imperialist rule over Indonesia, they did everything in their power to stifle the influence of Islam. This obviously generated permanent sentiments of *Jihad* among the Indonesian Muslims against the Dutch authorities. It was colonial oppression which pressed Indonesian Muslims to come closer to the rest of the world of Islam for support and sympathy. They followed the trends and movements in Egypt, Turkey and other Islamic lands with great concern and interest. Particularly during the nineteenth century this contact not only strengthened the ties between Indonesian Muslims and their co-religionists in the heart of the Muslim world, but also rejuvenated the intensity of their faith in Islam, as the surest path for man's spiritual and material welfare. But at the same time, as in other Muslim countries, that had come into direct contact with the western civilization there was discernible penetration of foreign influences that challenged man of the basic precepts of traditional Islam.

It is against these destructive influences that Indonesian Muslims, like their brethren in other parts of the world, tried to mobilize their spiritual and moral resources in defence of Islam. Muslim students from Indonesia and Malaya attended al-Azhar University and other renowned centres of Islamic learning at Makkah. C.C. Berg has summed up the influences of religious students, on returning home in these words:

And all these people now saw Islam in a new light: it is no longer an example of rigidity, lifelines and awkwardness for them; it is still the select one amongst religions, the bearer of ideals for all time and of new ideals for every time; it is eternally youthful, the standard-bearer of all progress, ardent nevertheless for bearing. Those who had caught up and preserved the light of the Manar in Egypt, became lesser 'manars' for their environments once back in Indonesia.<sup>25</sup>

In other words Muslims in Indonesia, during the nineteenth century were experiencing traumatic transformation in their religious outlook and thinking, and the gravity of their dilemma concerning the accommodation of the exigencies of modernization within the fold of religion were the same as in the rest of the Muslim world.

If this was the state of affairs of Indonesia, the land physically separated by yawning distances of land and sea, the conditions in North Africa, the western frontiers of the world of Islam with so much territorial and civilization proximity to Europe were even more prone to ideological fermentation. The case of North Africa which is also called *Maghrib*, however, is somewhat different from Egypt and the rest of the Middle East in many respects. Algeria was occupied by France in 1830, Tunisia in 1882, and Morocco in 1912. Italy occupied Tripoli and Cyrenaica in 1912. In short after 1830, the bulk of the *Maghrib* was under the colonial rule of Europe. It is a familiar fact for the students of the history of European colonialism that France always followed a distinctly different colonial policy from the rest of the European powers. In the case of others whatever westernization took place in the colonies was vastly unintended, but France in every colony whether in the Far East or North Africa followed deliberate policy of assimilation of the native population in the French culture. They would make the French language the sole medium of communication and learning and insisted on a large influx of French settlers giving them large agricultural and commercial monopolies. In fact a colony was considered only an over-sea territory of the mother country. It is said after nearly a hundred years of French colonial rule in various French colonies in north-west Africa there were 800,000 European settlers who constituted eighteen percent of the total population, 300,000 of the natives lived exactly in the European fashion, 150,000 who constituted twenty percent of the population had

resided in France for two or more years.<sup>26</sup> These statistics provide eloquent testimony of the extent to which these colonies experienced westernization under the French rule. In an effort to make French language not only a vehicle of political dialogue but also an effective instrument in the religious field, French translation of the Qur'an was published by Ahmad Laimeche.

But in spite of this overwhelming impact of the western civilization Islam even in north-west Africa maintained its firm grip over the popular imagination. There was *Salafi* (puritan) party, with deep *Wahhabi* proclivities that kept its followers fully aware of the hazards of the western outlook on life. It hearkened people to revert back to Islam's glorious past, if they desired salvation from difficulties that were breeding so much frustration and desperation among them.

This movement was in close contact with a similar movement headed by Rashid Rida in Egypt. Their principle organ of publicity was a journal called *al-Shaihab* (The Meteor). Mass popularity for such a fundamentalism in the intellectual and social environments that had been created by the French occupation was rather difficult, as such the *Salafi* party had limited following.<sup>27</sup> The movement that had some chances of success had to be like the one spearheaded by Muhammad Abduh in Egypt.

Because of the colonial policies of the French, and the indigenous character of the popular Islam, Muslim modernism in the Berber lands of the *Maghrib*, had to assume and had to evolve a pattern of its Islamic outlook in these societies which was vastly moulded by deeply entrenched mysticism of different forms, institutionalized charisma of certain secularized families, and a network of cults of shrine worshippers. A typical set-up of spirituality by the *Maghrib* could be illustrated by giving a brief account of the traditional religion in Morocco.

Even a cursory look at its growth can show that Moroccan Islam had numerous characteristics that clearly distinguished it from the rest of the Middle Eastern countries. Many of the religious features of the Moroccan society were developed during the period lasting from 1500 to 1650, and they were in existence right till the eve of French occupation. Along with the traditional ulema, saints, *sharifs* and members of the *sufi* brotherhoods played a very critical role in the religious establishment. The saints were also called *marabouts*. They were also called *Awalaad-e Sayyid*. *Marabouts* presided over religious lodges or mystical enclaves and claimed connections either by descent or allegiance to the great mystics of the past like Shaikh Abdul Qadir Jilani (d.1166). *Marabouts*

were not only great social and spiritual figures, but also performed certain functions which one would generally associate with government. They resolved disputes, arbitrated in the arrangement of blood money and provided protection to the travellers in the countryside. The result was that they freely indulged in political manipulation and in fact the legitimacy of the state was shared between the marabouts and the Sultans. Sharifism was the second important factor of the religious establishment in Morocco.<sup>28</sup> The three major houses of Sharif were the Idrisi, the Alawi, and the Qadiri, all tracing their descent from Hasan ibn-i Ali. Sharif enjoyed a lot of privileges in the state. They were exempted from taxes, justice was administered to them by their peer group, and each one of them was eligible for grants and pensions. The third important element was the *sufi* brotherhood or *tariqah*, whose role was primarily spiritual in nature. Many of these *turuq* had a hierarchy and they often dominated the popular Islam in Morocco.<sup>29</sup>

Along with the above mentioned components, Islam in this country, like the rest of the Muslim world had its share of ulema who exercised considerable influence in society. They were scholars who because of their formal religious instruction were always considered to be the true custodians of religion. Through their knowledge of the *Shari'yyah* they interpreted the Islamic contents of every law and occupied important positions of authority in the state. They also acted as the strongest bulwark against reforms and modernity. For instance, during the second half of the nineteenth century when Sultan Muhammad IV (1859-1873) and Abd al-Hafiz (1908-1912) tried to introduce certain reforms they were vehemently opposed by the ulema.<sup>30</sup> Throughout the last century they remained very apprehensive about the western civilization. They hated the political domination of the European powers but even more than that the matter that was of deep concern to them was the social and moral vices they discerned among the European commercial classes living in the port cities. Alcoholism and drug addiction were common after 1860.

Until about the year 1900 the ulema of Morocco were in general nonchalant to politics, but after the invasion of the oasis of Touat by France and vigorous reform policy of Sultan Abdul Aziz, when their vital interests were threatened they became politically very active. On August 17, 1907 the ulema of Marakash issued a *fatwa* that deposed Sultan Abd al-Aziz and gave the throne to Abd al-Hafiz.<sup>31</sup> After the French occupation of the country, the colonial authorities froze all elements of Morocco's religious culture that could threaten their hegemony. The French administrators and scholars were in the habit of declaring North

Africa to be totally static since the Romans left its shores and attributed most of it to the influence of Islam.<sup>32</sup>

Leaving aside the religious variations that one noticed in different Muslim countries of North Africa, the general climate of the established Islam in the Maghrib was of rigid orthodoxy based on the teachings of Imam Malik bin Ans. The school of Islamic Jurisprudence has always been hostile to free thinking and philosophy. Intellectualism and rationalism have no appeal for its followers. During the nineteenth century, however the prolonged French presence in the region, continued contact with European thinkers through new centres of education, and the rising tide of Islamic reformation resulting from the zeal and efforts of savants like Jamal al-din Afghani, and Muhammad Abduh introduced considerable changes in the religious outlook of the people of the Maghrib. But we must keep a basic fact in mind that the influences from outside only reduced the worship of the saints that had been such dominant feature of the spiritual life of the Berberts, otherwise the contact of the west instead of weakening people faith in Islam, further strengthened it because they felt that if traditional religious ideals were not fortified, society would be dominated by agnostics and atheists.<sup>33</sup> What Rosenthal has said about Tunisia and Morocco to a considerable extent sums up the religious climate in the countries of the Maghrib that were under French colonial rule during the nineteenth century. He says,

Despite significant differences between Islam in Tunisia and Morocco, a synthesis between spirituality and moral imperative of Islam and French humanism is being aimed at and striven for in both, but more consciously so in Tunisia. There is a Muslim, if not a traditionalist Islamic consciousness abroad, perhaps not very articulate, but clearly to be felt nevertheless.<sup>34</sup>

### **Change and Turbulence in Modern Islam**

The preceding synoptic survey of the world of Islam from Morocco to Indonesia during the nineteenth century has been provided to furnish historical perspectives to the variety of dilemmas that Islam is encountering in modern times. The late Louis Massignon famed French Orientalist, in making a psychological analysis of the revolutionary propensities of the Islamic doctrine has pointed out that in Islam movements do not start through successive steps or evolutionary methods. They often lie dormant, brood in silence unnoticed and unsung and then break out suddenly without any prior warning. The first stage, in his opinion is a “*nida*”, some kind of inward realization that ignites some awareness about changed realities, but is not manifested openly. It is generally a period of *quad* or *Taqiyyah*. Without any transitional stage the movement then in full maturity bursts out into *da'wa*, a call for

general mobilization or revolution.<sup>35</sup> Many Islamic scholars have always believed that Islamic history is governed by cyclic movements and this often results in the rise of numerous Messianic pretenders.<sup>36</sup> In the Islamic philosophy of revolution there is hardly any specific mention of the peoples right to disobey a bad government, but there are many clear indications in the doctrine that hearken the Muslims to resist an impious government. A tradition of the Holy Prophet points out: "There is not (duty of) obedience in sin."<sup>37</sup> According to Bernard Lewis, there are several words in the classical Arabic that are used for internal insurrection. The terms commonly mentioned are *Kharaja*, *qaama*, and *naza*. The term *baghi*, however, is used for a law-breaker who deliberately ignores the established legal and social order. In the present-day usage of the political vocabulary of the Arab countries, the term used for revolution is *thawra* as a noun and *thawri* as an adjective. The term has been widely used and given great publicity by the revolutionary socialist regimes of Egypt, Syria, and Iraq after World War II. The antonym of *thawri* is *raji* meaning reactionary.<sup>38</sup>

As one glances over the world of Islam during the second half of the nineteenth century, it seemed in a state of acute ideological and political turmoil, and it appears the established political institutions, and accepted notions of popular Islam were being thrown out of gear. An intellectual climate had been prepared for every kind of revolution. There was fight against ignorance, and crusade against growing scepticism about Islam among the western educated elites. The revolt of Arabic Pasha in Egypt, Mahdi of Sudan, and the rise of Sanusi order in North-West Africa demonstrated the intensity of the ideological restlessness in the Muslim world. There was widespread commotion that seemed to be shattering the quiescence and complacency to which the millions of Muslims had been committed in every land. An average Muslim had felt himself self-sufficient spiritually and ideologically for a long time. He was convinced of the superiority of his own faith and it was very difficult for him to believe that an unbeliever could out-distance him in any area of human activity. But along with this there were visible signs of the "Wind of change". Young Muslim from many Muslim lands was visiting European countries in increasing, and was nurtured on the western theories of secularism and rationalism. The enormous military power of Europe created a feeling of awe and fear among them. These young Muslim returned to their countries imbued with both the good and the bad that the western civilization had to give them at that time. The awe and respect that its achievements inspired, however, were neutralized by the humiliation to which their countries were subjected under the colonial yoke. It is for this reason that many nationalist leaders who fought for



freedom were drawn from these young men returning home after completing their education at the European universities.

Most of their antipathy to Europe was based on political and economic grounds. But in spite of their denunciation of western materialism and colonial exploitation most of them appreciated the contributions that the West had made to their generation of mankind in the field of rational thinking and scientific knowledge. The force and intensity with which the western ideas had penetrated into the Muslim world had a deep bearing on the future of Islam. Sir Hamilton Gibb in pointing out the discernible change in the conceptual framework of Islam says, "Islam as religion has lost little of its force, but Islam as an arbiter of social life is being dethroned."<sup>39</sup>

What Gibb is saying is that even when westernization had become a stark reality in the Muslim world, on the whole the bulk of the Muslims remained deeply committed to religion and were not willing to compromise on its superiority, but in his opinion the effectiveness of the doctrine as a way of life, an ethical system and a code of human conduct was impaired.<sup>40</sup> In other words Islam as a regulator of social life was losing its grip on the masses, because they were being exposed to influences that shattered their intellectual seclusion of centuries. Prior to the advent of west, an average Muslim lived in the narrow world in which he looked on life through the coloured glasses of his preconceived religious notions. The closing years of the last century witnessed vast changes in his social outlook. Publication of books, magazines, and newspapers with mass circulation were carrying a large amount of attractive material that was completely dissociated from religion.<sup>41</sup> But as mentioned earlier these developments did not dethrone from the Muslim's mind the sincere and honest conviction that Islam was the best straight path to salvation from the social and moral ills of society. This was due to the fact that the young Muslims, who were nurtured on post-French Revolution educational tradition of Europe, were not impressed by the theological and philosophical culture of Europe. Every Muslim child from the beginning was immunized against Christianity because he had been told to believe that the Christian scriptures had been corrupted. Christ was the Prophet of God no doubt but his message had been distorted and its contents had been changed.<sup>42</sup> Compared to this, he reposed unmixed confidence in the revealed word of God in the Qur'an which had remained unchanged and he considered it to be one of the greatest miracles of the Holy Book. But in spite of this devotion to Islam, Muslims all over the world confronted certain baffling dilemmas, which could not be resolved by faith alone. Numerous laws, and countless

social and spiritual practices, could not be reconciled with the new rational theories about state and society that were being disseminated by the proponents of the western civilization. This was also the time when some of the European Orientalists had unleashed against Islam some of their most venomous attacks. It was being criticized as retrogressive, stagnant, intolerant and fountain-head of unquenchable fanaticism.

Europe's image of the Muslim world was confused and disjointed. It was rooted in history but a fresh light was being thrown on it by the events and developments during the second half of the nineteenth century. Scholars and statesmen of Europe had been previously looking on Islam only as religion, but after occupying Muslim land they were looking over the whole gamut of the Islamic society. Their superficial impressions were generally of bewilderment and shock, and they considered every Muslim land bustling with hostility towards the west.<sup>43</sup> The westerners were bewildered because their thinking was sandwiched between two contradictory images. On one side they read about the Muslim world that had produced philosophers and scientists like Avicenna (980-1037) Razes (b1149 A.D) and Averroes (1126-1189) whose creative thought later became a beacon light for the scientific developments in Europe, and then compared it with the Islam they saw among the Muslims of the conquered lands, much of which was nothing more than a combination of myth and superstition.

Whenever a discussion about modernization is unrolled in a Muslim society, today, even the religious quarters that are thoroughly blanketed with traditional orthodoxy do not question or resent the notion that there is no contradiction between Islam and rationality. There is a growing realization and even the most tradition-bound savants of religion agree that without the proper and effective use of *ijtihad*, and individual reasoning the widespread ideological stagnation in Islam could not be dispelled and this would continue to breed growing disenchantment against religion at least among the educated classes. It is when modernism is advocated in terms of westernization and secularization that religious scholars find it a great threat to the future of Islam. The model of modernity that is embodied in westernization, is generally understood to produce industrialization, consumption oriented masses, and agnostic intellectuals. Secularism as a concept that dichotomizes church and state could never be popular in a Muslim society. According to Montgomery Watt, secularization only means that activities like education, helping the poor, and administration of religious endowments has been taken over by the government on the pretext that in the hands of religious authorities these institutions have become corrupt and inefficient. Beyond this secularism as a state of mind in which a

traditional belief system is directly attacked by such concepts as atheism, scientific materialism, humanism, naturalism, and positivism would have no reactivity in popular Islam. Such a proposition would be considered a negation of Islam.<sup>44</sup> For instance, Jacques Jomier, while commenting on the reforms introduced in Egypt after the revolution of 1952, points out that abolition of *waqf* and religious courts could not be called secularization all what the state in this case did, was to transfer certain functions in society to centralized government agencies, which were previously being performed exclusively by religious authorities. Moreover, the government took upon itself the responsibility of spreading and defending the Faith. Ministry of Religious worship was established to publish pamphlets, reviews, books and use other modern gadgets of publicity to educate the masses in the Islamic way of life. A permanent “Islamic Congress” was founded in Cairo in 1953 to provide additional strength to the work of this Ministry. In 1964 a special radio called the “Voice of the Qur’an” was created to disseminate the message of the Holy Book in popular phraseology. The Egyptian government also took steps to convey this rejuvenated message of Islam to other Muslim lands. It increased the scholarships to students from Asian and African countries to study at al-Azhar. A small university town was established for these students in Cairo.<sup>45</sup>

Several foreign observers conclude that if the western model of modernization has been successfully implanted in such tradition-bound non-western societies as Japan, South Korea, Hong Kong, Taiwan and Singapore, they do not see any reason why it could not yield the same results in Muslim lands. But they forget the fact that these societies derive their spiritual strength mostly from ethics and not from a revealed religion. According to William Griffith,

In a society where people’s outlook is determined by a revealed religion, the reformers are always confronted with an imponderable dilemma. For them “modernization” is attractive as an alienating, sought after and rejected, admired and hated. Most of the third world admires some of its results such as affluence, upward social mobility, technological progress and therefore assured national independence. It rejects other like agnosticism, corruption, materialism, amorality, ruthless competition and technocracy. The more rapid, corrupt and inegalitarian, especially in major cities modernization is the more violent is its rejection.<sup>46</sup>

In other words, modernity or modernism is basically a struggle between continuity and change or acceptance or rejection of alien influences and concepts by a society whose culture is still rooted in traditionalism. Before turning to the various approaches that have been put forward by various scholars and jurists regarding modernization and its implications for Islam, it would be gainful to know that Islam is not

the only religious doctrine that is experiencing the anguish of maintaining a difficult balance between norms inherited from the past, the needs of the present and hopes for the future. It is a universal phenomenon, every nation whether developed or underdeveloped, and every ideology no matter whether it is religious or secular, is encountering this acute and perplexing dilemma. Manfred Halpern has defined modernization by saying that:

If modernization is to be at all a meaningful term, it must refer to a historically unique experience. Modernization is the overcoming of persistent incoherence through persistent transformation.<sup>47</sup>

A nation that is passing through the process of modernization wears a spectacle of intellectual and philosophical fermentation. It seems to be experiencing normlessness and psychic and sociological rootlessness. Students of contemporary civilization are familiar with the fact that these characteristics are discernible in every modern society, although in nature and intensity they tend to vary from country to country. Halpern has described the universality of this phenomenon in the following:

What cannot be achieved through power or powerlessness as we have elucidated these terms in the Muslim world or anywhere else are the two main tasks facing all of us: overcoming normless violence and copying with modernization? As long as power triumphs over capacity, we remain powerless individually, as Muslims or non-Muslims (or even as so-called Great Power) to deal simultaneously with continuity and change, collaboration and conflict and the achieving of justice in ourselves, with others or with nature. Since the threat of norm less violence and the opportunity for modernization constitute mankind's first common, world wide revolutionary challenge, the powerlessness of all of us is the principle fact of human relations today. We are, all of us in every society on earth, in need of all the help we can get in this transformation."<sup>48</sup>

Halpern also argues that in Islam the process of modernization is not a new one. It has been going on, in his opinion, for the last fourteen hundred years since Islam emerging from the recesses of Arabian Desert came into contact with advance Hellenistic and Iranian civilizations. Halpern using his theoretical framework of continuity and change concludes that no doubt change is the essence of life, but when its tempo is accelerated beyond reasonable limits it can be very disruptive. To safeguard the masses against such an eventuality, there is always a need that the endeavours of the bulk of the population should be focused on the achievement of shared goals. He further adds that change can be of two kinds. It can be either an effort on the part of social transformers to alleviate the pain and anguish of incoherence or it could take the form of some creative action, which can produce new devices to undo traditionalism. A feeling behind the second kind of change is called a

counter-tradition.<sup>49</sup> It is this counter-tradition which is considered to be the critical dimension of modernization, and gives its opponents sleepless nights and produces intellectual and moral consternation among them. According to Halpren, the world of Islam has also reached a stage, where it is confronted with the anguish of counter-tradition and under its impact, there is a widespread psychological and sociological metamorphosis going on in every Muslim land.<sup>50</sup> There is change and there is conflict, all leading to acute ideological fragmentation. He says,

(1) That the traditional Muslim repertory is breaking; (2) That wherever it is still surviving, it cripples Muslim capacity to deal simultaneously with continuity and change, collaboration and conflict, and the achieving of shared goals, in short that traditionalism and conservatism, and not only intended or unintended breaking of relationships, lead to incoherence in the modern age; (3) that this breaking and crippling are being suffered not only by Muslims but by everyone in the modern world; (4) that a new transiently modern repertory is emerging among Muslims which can only deepen their incoherence and at increasing costs. In addition, we shall explore the necessary and sufficient requirements of a repertory that would be transforming in the modern age, and by such modernization persistently overcome present incoherence.<sup>51</sup>

There is no doubt, a contemporary Muslim society is being subjected to a lot of incoherence, change and conflict, but one fact needs to be kept in mind during this discussion that in spite of the magnetic pull of western rationalism and technological advancement and their impact on the daily life of the people the inherent belief system of Islam embedded so deeply in the popular mind remains unchanged. The recent upsurge of Islamic revival, even among the educated youth who have been continuously under the influence of western intellectual trends and ideas is a clear indication of the innate strength of the religious doctrines. G.E Grunebaum says,

The westernization potential of the Muslim world clearly includes a higher rationalization of thought and the coordination of economy, technique and the state, but it is not likely to include the underlying principles as embodied in religion, philosophy, art or rational scientific theory. In brief Islam is not likely to lose itself in western civilization to the extinction of its own personality even though it may use the foreign stimulus as a lever for its own revitalization.<sup>52</sup>

Although Halpren contends that Islam was subjected to the process of modernization soon after its inception, but most of the movements for change, which have currently destabilized the traditional ideological framework of Islam originated during the nineteenth century. It was mentioned earlier that after the turn of last century, the rapid spread of the European influences had put the world of Islam into an acute psychological crisis. From the superiority complex engendered by early

triumphs against Christendom, they were drifting fast towards a stifling inferiority complex produced by humiliations and defeats they were suffering at the hands of Christian powers. It dealt a shattering blow to their self-confidence, and even raised doubts in the minds of many about the faith they had professed and revered for centuries. Elie Kedourie has described this state of mind among the Muslims of the last entry in the following words:

It (early successes) served to prove that Muhammad's message was true, that God prospered those who believed in Him and hearkened to his revelation. Political success vindicated Islam and the course of world history proved the truth of the religion. Muslims fought to extend bounds of Islam and humble the unbelievers; the fight was holy, and the reward of those who fell was eternal bliss. Such a belief, which the history of Islam itself seemed to establish beyond doubt, inspired in Muslims self-confidence and powerful feelings of superiority. Hence the long series of defeats at the hand of Christian European could not but undermine the self-respect of the Muslims, and results in a far-reaching moral and intellectual crisis. For military defeat was defeat not only in a worldly sense; it also brought into doubt the truth of the Muslim revelation itself.<sup>53</sup>

During the past hundred years, in every Muslim country there have been numerous leading exponents of modernity, but most of them look to the writings of the nineteenth century intellectuals like Rifai al-Tahtawi,<sup>54</sup> Khayr al-Din al-Tunisi,<sup>55</sup> and Abd al-Rahman al-Kawakebi<sup>56</sup> for guidance and inspiration. We have seen earlier all the three of them were not secularists in the commonly accepted meaning of the term. All of them had been brought up according to the religious tradition of Islam. In fact, al-Tahtawi started his career as an *Imam* in a mosque, but during his five year stay in Paris as an *Imam* of the Educational Mission in Europe, he was totally fascinated by the remarkable progress of Europe in every branch of human knowledge. Most of their ideas were laid down in works which later on became a beacon light for the rest of modernists who followed them. Al-Tahtawi's *Takhlis al-Ibriz fi Talkhis Paris* (The Extraction of Gold from a Review of Paris) Khayr al-Din al-Tunisi's *Aqwaam al-Masaalik fi Ma'rifat Ahwal al-Mamaalik* and al-Kawakebi's two books *Tahai-al-Istibdad* (The Nature of Despotism) and *Umm al-Qura'* (The Mother of Cities Makkah) set the pace and model for the rest of the modernizing intellectuals of the Arab world. The three reformers had similar attitudes that the triumphs of Europe in human advancement were superior and spectacular in every respect. Al-Tahtawi in *Takhlis* is very critical of the backwardness of his own people and exhorts the Muslims to emulate the West in arts, sciences, philosophy and technology. It is not only in material and scientific achievements that he has unmixed admiration for the western man, but also has nothing but praise for his energy, sense of justice, equity and truthfulness. Khayr al-

Din al-Tunisi, hearkens his co-religionists that the only way they could regain their lost achievement-orientation, is by adopting the western institutions. In his opinion, whether Judged from the religious or non-religious standard, the western culture was superior to the contemporary Islamic culture.<sup>57</sup> He criticized European institutions only when they were contrary to *Shari'yyah*. If the *Salaf* could borrow Greek Logic and benefit, he saw no reason why the Muslims of today could not adopt the same attitude towards the modern western civilization. Even al-Kawakebi whose outlook was more puritanical, avoided rigidities and fanaticism commonly associated with fundamentalism, and advocated reconciliation between *Shari'yyah* and modernity.

But even those early modernists were confronted with the same dilemmas that have bewildered Muslim reformers during the past hundred and fifty years. The first was how to reconcile traditionally ingrained beliefs with the undeniable realities of modern life. The second related to the admitted and indisputable weaknesses in a Muslim society, and the imponderable issue, whether they were due to the rigid adherence to orthodox Islam or because the Muslims had abandoned their true beliefs. In the resolution of these dilemmas the modernists adopted two approaches. One was to adopt rationalism as a secular religion, and make Muslim society a replica of the western civilization. The other was to stay within the boundaries of traditional religion and through a delicate process of adoption mould certain cardinal features of the western civilization in a manner that they do not seem inimical to the spirit of the Qur'an, or through subtle interpretation of the laws of *Shari'yyah* to prove that Islam does not inhibit its followers against progress.

Most of the early Muslim modernists followed the second approach, they knew that Western secularism in its naked form would not be acceptable to the masses, the bulk of whom were still obsessively attached to the orthodox Islam. In spite of their tremendous admiration for the western civilization they still called France the land of *al-Kufr*. They anticipated that modernization in Islam would grow from within, and to achieve this end they interpreted the Islamic framework, "freely, pragmatically bending it, shaping it, and some might say even twisting it out of recognition to permit the introduction of innovations he longs to borrow from the West." For instance, they tried to prove that the western commercial and business practices were found in the book of *Fiqah*. They further pointed out that the western sciences that they advocated with so much enthusiasm to be included in the curriculum of al-Azhar, were in essence Islamic.

These early reformers of Islam in advocating assimilation of modern western civilization relied heavily on the earlier peaceful and smooth adaptation of Islam to the Greek culture which was as different and alien to the truly Islamic ideology as was the western culture during the nineteenth century. They were, however, mistaken because modern religious reformers did not have the same comprehension of the western sciences which the philosophers of early Islam possessed over Hellenism. Under the dramatically changed philosophical and scientific climate of the modern world, to perform a similar intellectual miracle was an uphill task. Grunebaum has referred to the difficulty in comparing the past cultural borrowing with the present. In his opinion, the present trend towards westernization and earlier Hellenization could not be compared gainfully. Islam's acculturation with the Greeks, Iran and India in the past took place when the Muslims were politically victorious. The Muslims adopted alien civilizations, and assimilated foreign influences slowly. Pressures to which the doctrine was subjected seemed to be essential for its development. The present transfer of outside elements is a kind of imposition, and the Muslims are on the defensive and accepting them from a position of weakness. This puts the Muslims of today in a difficult position so far as modernization is concerned. Even a cursory glance over different periods of the development of the religious doctrine of Islam can show that at every stage it encountered a serious struggle between Sunnah and *bid'a*'. The term Sunnah is used here in the broader sense meaning "inherited opinion." From the earliest time, the Arabs had used Sunnah as major determinant in showing propriety and validity. With the advent of Islam, they were told to disengage themselves completely from the pagan Sunnah and adhere strictly to the Sunnah of the Prophet and his reversed companions; and to this, later on was added the Sunnah of the leading jurists who founded the four schools of Muslim Jurisprudence. This Sunnah then became the model to be emulated by the believers, and was used as a yardstick to determine the truth and lawfulness of an issue. The history of Islamic law provides ample evidence that the jurists were given adequate powers for deductive reasoning; but wherever authentic Sunnah was available, human speculation was rendered superfluous. Among strict adherents of Sunnah, all kinds of *bid'a*' was prohibited. But history shows that such a view, though respected in theory, could not be practiced universally.

The reasons for this kind of situation were quite obvious. The conquest of new lands outside Arabia expanded the intellectual horizons of the Muslims. New experiences and countless alien norms had to be assimilated and Islamized if the Muslim doctrine had to survive among the newly converted people of the conquered lands. The result was that



theories had to be propounded by which this process could be accomplished with dignity and rationality. *Ijma* and *Musaleha* were the two most popular devices commonly suggested by the leading jurists. Every innovation in the first instance met resistance from the orthodox circles, but finally when the bulk of the population accepted it, opposition was disarmed and the *bidda'* became a part of accepted creed. Once *bidda'* had acquired the crutches of *ijma*, then it became a legitimate practice. Ignaz Goldziher mentions that as late as the eighth century of Hijra, the theologians were issuing *fatwa* against each other on the question of whether the celebration of the Prophet's birthday was Sunnah or a *bidda'*. But with the passage of time, as the practice was given popular sanction, it became a normal part of the religion.<sup>58</sup> Similarly, the cult of saints, which is today such a popular phenomenon in every part of the Muslim world, contradicts many fundamental principles of Islam and when it first started it was condemned by devout theologians as a patent heresy. In many cases the Prophet himself was portrayed in hagiolatry terms, which was entirely contrary to his image drawn in the Qur'an. But the objections of religious scholars were swept aside in these matters, and in sheer helplessness they had no choice but to give a reluctant approval.<sup>59</sup> Along with *ijmah*, the jurists also resorted to *muslehah* as the second most important instrument to legitimize innovation, or even an irregularity that was repugnant to the legal views expressed by the leading religious figures in the past. Among its greatest advocates of this view was Malik ibn Anas, founder of the Maliki school of Islamic Jurisprudence who laid down that overwhelming considerations of public good make *bidda'* a regular feature of the religion. An example from the recent history of Islam would be the introduction of printing presses in Turkey. The first printing press in Turkey was established by the Jewish refugees from Spain, but they were not allowed to print any thing in Arabic or Turkish. This ban continued until the eighteenth century, when Shaikh al-Islam Abdullah Efendi issued a *fatwa* authorizing publication of works in Turkish provided they did not deal with religion. The first book in Turkish was published in 1729.<sup>60</sup> Finally, religious opposition to this innovation was overcome in the name of public utility. The modernists of the nineteenth century approached their crusade for modernization with the same attitude. Dr. I.H. Qureshi has explained this approach in these words:

It has been recognized in all Muslim countries that in many respects the mutable part of the *Shari'yyah* requires considerable overhauling and the immutable bases need a new interpretation — (Islam) not a code of certain rigid laws or even legal concepts but a dynamic force, a concept of life, not of law, a guidance for the springs of thought and action and not a static code of action. In other words, Islam is alive and dynamic ideology and not a dead

unprogressive and static collection of injunctions and prohibitions. It requires a new interpretation at every stage of our development and cannot be content merely with precedents and past usage. Islam does not discard precedents and traditions, but it lays emphasis upon the progressive unfolding of the creative instincts of mankind in accordance with eternal principles defined by revelation.<sup>61</sup>

Many religious reformers of the last century further added that without large scale reformation of Islam, the Muslims of the world in their opinion had very little chance of taking any stride on the road to material and scientific progress. They made a comparison with the Reformation in Christianity which completely revolutionized the outlook of the western man. In their opinion, without the intellectual and philosophical crutches provided by the Reformation, Europe would not have triumphed so rapidly in the fields of science, technology and rationalism. They wasted similar types of reformation in Islam, so that the Muslims could also pursue scientific learning without being inhibited by the traditional orthodox religion. Such a comparison, between Islam and Christianity, however, was deceptive. The western type religious reformation did not seem feasible in Islam, because it did not have any powerful, highly centralized religious hierarchy, which could enforce uniformity in religious thought. In Islam each believer shapes his own spiritual destiny. It was primarily for this reason that Muslim reforms of the nineteenth century could not communicate with the museum masses effectively. The militancy of the various religious sects also became a major barrier to the development of a uniform package of religious reforms that would be acceptable to all Muslims. Even al-Azhar, the oldest and the most reputable centre of Islamic learning in the world, could not lay claim to any supreme religious authority strong enough to enforce a reform program.

Absence of an institution like papacy was not the only factor that made the implementation of reforms so difficult. Apathy and conservatism of the Muslim masses, and the hold which the ulema as a class had exercised over the society were also responsible in making the issue of religious reforms so critical and sensitive politically and socially. Therefore, one is not surprised that in the writings of the reformers the ulema as a class have been subjected to the sharpest criticism. They all blamed the religious doctors and theologians for ignorance and stagnation of the Muslim society. A Russian Tatar scholar Muhammad Fatih in 1904 made the following remarks about them:

In my humble opinion, the precepts of Koran can easily be brought to conform with culture and civilization. But unhappily there are no ulemas living in our day capable of inspiring Islam and reconciling it with civilization. Our ignorant clergy expound Islam according to their own ideas,

and instead of benefiting, they injure us. You Europeans have strained every nerve and rescued your religion from guidance of ignorant popes and priests and have spread the light in your midst. Until we follow your example and escape by our own efforts from the grip of the *mollahs*, abandoning empty formalities, decadence is inevitable.<sup>62</sup>

The ulema were denounced for their worldly lust and retrogressive outlook. They had assumed the role of the custodians of Islamic tradition and in this position through their distorted interpretations had corrupted the thinking of the people. The reformers were convinced that the enlightened precepts of the Qur'an had eternal operational potency, and as the divine reservoir of truth and prudence they were meant to be of assistance to every progressive movement that was meant to further the cause of human welfare. As the reformers accelerated the tempo of their efforts, the ulema felt a serious threat to the position of prestige and esteem which they had enjoyed for centuries, and this made them even more resistant to change. They jealously clung to their semi-autonomous spiritual domain and indirect political influence which often made them king-makers in a Muslim society. Secularism or at least a major change in the religious attitudes of the people that constituted the crux of the teachings of every reformer, would certainly have demoted the religious classes from the position of power and prestige which they had occupied for such a long time. In other words, the reformers would contend that the Qur'an was still a manifesto full of truth and guidance for practical life, but the ulema and *mullas* had confused and misled the masses so much that the sterling excellences of the religious doctrine had completely receded in oblivion. Ali Vahit, a Turkish scholar has described these sentiments of the reformers by saying,

The revolt against the Koran is due to not understanding it, failure to learn it from a competent authority. It is the Koran which creates faith in the heart, refreshes it, and keeps it free from doubts and different storms. It is the word of God which removes vices, immorality and trusts sins from the heart of man — a man sees a *hodja* (mulla) with a white turban on his head and thinks he is a competent person, and he wishes him to teach the command of God. He may either explain it in a wrong way or give him an answer which may not be the right answer to his question. He may be misled. A half-trained doctor causes death, and a half-trained *hodja* causes atheism. For our health we seek a competent doctor; so for our religion we should look for a competent guide.<sup>63</sup>

No matter what the devotees of modernism would say against the ulema, the fact that could not be denied was that over a long period of time they had assumed complete domination in such critical areas of national life as education and judiciary. As custodians of the laws of *Shari'yyah*, they wielded considerable juristic authority, and occasionally as mediators between the state and other pressure groups in society they

also assumed a very decisive political role. Every religious reformer realized that unless the privileges and prerogatives of the ulema were broken, modernization could not become a popular movement. It is for this reason that in the literature on Islam and modernism there has been tirade after tirade against the entrenched power of the ulema. Every protagonist of modernity has a deep-seated antipathy to *mullaism*.

Before turning to the basic ideas of the leading proponents of “Islamic modernism” it is essential to know that over and above the liquidation of the power of the ulema, what else was common among all the modernists. The genesis of modernism is traced back to the intellectual activity that was engendered by modern education, modern press, and western political philosophy. These developments generated a new world view, which sought expression in hostility to imperialism and love for nationalism and also produced an urge to modify Islamic tradition in a manner that it could effectively operate into the newly emergent areas of public policy. The two main characteristics of the modernist outlook as it was publicized during the second half of the last century were “qualified rationalism” and “apologetic” interpretation of Islam. The modernist accepted the concepts of western civilization like science, progress and freedom, but at the same time they were deeply attached to the belief system of Islam, which was so deeply rooted in their sentiments and gave them a powerful cultural identity. The famous Munir Report in Pakistan has aptly summed up the situation as follows:

(The modern Muslim) finds himself standing on the crossroads, wrapped in the mantle of the past and with the dead weight of centuries on his back, frustrated and bewildered and hesitant to turn one corner or the other. The freshness and simplicity of the faith, which gave determination to his mind and spring to his muscle, is denied to him. He has neither the means nor the ability to conquer and there are no countries to conquer. He therefore finds himself in a stage of helplessness, waiting for some one to come and help him out of this morass of uncertainty and confusion – Nothing but a bold re-orientation of Islam to separate the vital from the lifeless can preserve it as a World Idea and convert the Musclem into a citizen of the present and the future world from the archaic incongruity that he is today.<sup>64</sup>

This exactly was the picture of the mind of the Islamic modernists who initiated the movement of the modernization near the close of the last century. Their basic anxiety was the future of Islam, and how could they make it synchronize the needs of modern civilization. Wilfred Cantwell Smith says,

The present study is in no sense an endeavour — patently absurd — to discern what that future unfolding may be. Our concern is simply to give attention to the fact that the career of Islam on earth, from what it has been is currently in process of changing into what it will become. One does not know or need to know, what it will be; but one actually can observe the

contemporary process by which some tomorrow or other is being prepared. Islam is today going through that crucial, creative movement in which the heritage of its past is being transformed into the herald of its future. Outsiders may study, analyze, interpret the process; Muslims themselves not only may but participate in it.<sup>65</sup>

### **Heralds of Muslim Modernism**

Religious and ideological movements vastly depend for their success on the courage, intellectual boldness, commitment, sagacity and clarity of thought and actions of their leaders. Particularly during times of crisis and turbulence the quality of leadership plays a decisive role, because every crisis creates an atmosphere for the birth of new ideas, to solve problems and resolve dilemmas which always come in the wake of revolutionary changes. It has been noticed earlier, that during the second half of the nineteenth century the world of Islam had been violently destabilized by foreign conquests, and ever-expanding infiltration of European ideologues of liberalism, nationalism and secularism. All of them challenged some of the fundamental precepts of the ideological framework of Islam. The Muslims responded to this challenge by many different ways. The most powerful response assumed the form of reformism, and defence of Islam through apologetics. The leaders who led such a movement through their writings and ideas have left a permanent mark on modern Islam. Therefore it is important to briefly assess their contribution once again at a time when near the end of the twentieth century Islam is facing numerous internal and external challenges.

### **Khayr al-Din al-Tunisi**

The earlier biographical details of Khayr al-Din are clouded and sketchy but this much is certain that he arrived in Tunis as a slave in 1840 and by sheer dint of merit near the time of his death in 1889 he occupied one of the highest offices in the Tunisian Baylic. Between 1878-79 he also acted for a few months as the Grand Vizier of the Ottoman Empire. He founded al-Madrassa al-Sadiqiyya, the first modern educational institution in Tunis in which elaborate measures were adopted to teach European languages and modern subjects. But this was done not to the exclusion of Arabic and traditional Islamic subjects. He took great pains to demonstrate the superiority of the West over the politically and educationally bankrupt Muslim world of his time. In his opinion, strength and prosperity would only come to the Muslims if they imbibed the spirit of the contemporary western institutions. Ulema, he felt, had been asleep intellectually for centuries. The magnitude of the

tragedy he pointed out increased manifold when the conservative Muslims even opposed those innovations that were not against *Shari'yyah*. What was right, he said, had no specific cultural hue, it was universal. In the battle of al-Ahzab, the Holy Prophet followed the advice of Salman al-Farsi who proposed to dig a trench around Madinah, as was customary with the ancient Persian. He also referred to the practice of the *salaf* who willingly borrowed from the Greeks and developed their sciences to an extent that they became the leaders of the world in science and philosophy.<sup>66</sup>

Khayr al-Din was deeply impressed by the interpretations of law by the Hanbali jurists. He was convinced that the *Shari'yyah* was of divine origin, and its obedience was mandatory for all Muslims. It assured happiness and prosperity both here and hereafter. But at the same time, he emphasized that the mind of a Muslim should be free from dogmatic rigidities. On the other hand he believed that what the *Shari'yyah* did not specifically forbid, by the rules of social necessity could be declared permissible. This was the famous rule of *maslehab*, a principle that enjoined upon Muslims to choose from a variety of interpretations, the one that would guarantee the greatest good of society. Following the Hanbali Jurist Ibn-i Qayyim al-Jawzi, he deduced from the history of Islamic law that rulers would not be guilty of the transgression of any principle of *Shari'yyah* if there was a positive confirmation by the logic of the situation that the step taken did not violate any fundamental of the Qur'an and the Sunnah of the Prophet and was in the general interest of the community.<sup>67</sup>

Khayr al-Din wrote a book entitled *The Surest Path*. Its English translation was published in 1967. In an introduction, while elucidating his objective in writing this work he stated:

The first task is to spur in those statesman and savants having zeal and resolution to seek all possible ways of improving the conditions of the Islamic *ummah* and of promoting the means of its development by such things as expanding the scope of the sciences and knowledge, smoothing the paths to wealth in agriculture and commerce, promoting all the industries and eliminating the case of idleness. The basic requirement is good government from which is born that security, hope and proficiency in work to be seen in the European kingdoms. No further evidence is needed of this. The second task is to warn the heedless among the Muslim masses against their persistent opposition to the behaviour of others that is praiseworthy and in conformity with our Holy Law simply because they are possessed with the idea that all behaviour and organizations of non-Muslims must be renounced. Their books must be cast out and not mentioned and one praising such things should be disavowed.<sup>68</sup>

Khayr al-Din was a product of the era in which contact between Muslim statesman and reformers and the West has become frequent, and most of them had become convinced that Muslim societies were too weak to stop the onrush of western civilization. In this respect he was the forerunner of such stalwart Muslim reformers as Jamal al-Din Afghani, Muhammad Abduh and Namik Kemal. *The Surest Path* is undoubtedly a book written from the Islamic point of view, and the author makes frequent citations from the Qur'an and relies heavily in his analysis on Muslim scholars and savants of the past, and all this goes to prove that Khayr al-Din was well-versed in the traditional religious scholarship. But at the same time he felt that problems of government and administration were universally the same and as such it was in the fitness of things that Muslim reformers should learn through western education the techniques and philosophies which had given that civilization so much superiority over the rest of the world. He also argued that knowledge and prosperity were the hallmark of Muslim civilization had disappeared from the life of the *ummah* because the Muslims stopped to comply with the dictates of the *Shari'yyah*. He says,

With God's help I have economic and administrative policies with reference to their situation in earlier times. I have shown their progress in the governance of mankind which has led to the utmost point of prosperity for their countries. I have also noted the superiority formerly held by the Islamic *ummah* (as attested by even the most important European historians) in the two fields of knowledge and prosperity at a time when the *Shari'yyah* exerted its influence on the *ummah's* condition and all conduct was regulated accordingly<sup>69</sup>

Khayr al-Din emphasizes that borrowing from other cultures, as long as the borrowed learning and institutions were not inimical to *Shari'yyah*, had been the common features of Islamic history. He praised western political systems because they had reduced the chances of oppression and had streamlined the administration of justice in a manner that the welfare of the masses could be ensured.<sup>70</sup> In his opinion all this had been achieved through the instrumentality of liberal democracy, and he tries to explain that the constitutional form of government was not alien to Islam. He referred to the principle of consultation in *Shari'yyah* and cites Ibn al-Arabi who said, consultation is one of the foundations of the religion and God's rule for the two worlds. It is a duty imposed upon all men from the prophet to the least of creatures.<sup>71</sup> He points out that authority which did not have legal and moral constraints was a source of perpetual lawlessness. He reminded the Muslims of their imperishable contributions to knowledge and the sciences, and how they had become so backward and had allowed others to outdistance them in every field of human endeavour. Like all later reformists Khayr al-Din was of the

opinion that within the boundaries of *Shari'yyah*, Muslims could legislate new laws which were in the general interest of the believers. He says,

The Islamic *ummah* is bounding its religious and worldly activities by the heavenly *Shari'yyah* and by the divine limits, fixed by the gustiest of scholars, which is a sufficient guarantee both for this world and the next. Now, there are certain important, or even absolutely essential activities relating to public interest by which the *ummah* secures its prosperity and proper organization. If there is no specific rule in the *Shari'yyah* either providing for or forbidding such actions, and if instead the principles of the *Shari'yyah* either providing for or forbidding such actions in general and view them with a favourable eye, then the course to follow is whatever is required by the interest of the *ummah*.<sup>72</sup>

In short, the primary objective of *The Surest Path* was to support the reform movement called the Tanzimat, which as being vehemently opposed by many leading ulema of the Empire, but which the statesman like Khyar al-Din believed was the only way by which the tottering structure of the Ottoman rule could be saved from complete ruination.

The introduction of European civilization, however, must have caused deep ideological fermentation in Tunisia because it had a long establish tradition of religious establishment headed by powerful hierarchy of ulema, who enjoyed great social prestige. They were considered to be models of good manners, pious thinking, and proper behaviour. As a class they were equipped with all the paraphernalia of psychological and organizational cohesiveness. They represented the conscience of the community, but in the performance of their public and private duties they were always very discrete and circumspect. They generally avoided confrontation with the government and although committed to conservatism and blind traditionalism, they had always kept their attitudes and opinion flexible. Leon Carl Brown says,

The religious establishment was one group in Husainid Tunisia, aside from the state, whose activities and influence transcended the small units of families, tribes, quarters, and guilds within which most daily life was circumscribed. Even the state itself played a less comprehensive role in comparison with the establishment, for it chose to remain aloof from society to the extent possible, but the other had roots, and influence in every part of Tunisia.<sup>73</sup>

Obviously the emergence of secularism in the wake of westernization must have produced a lot of resistance from the religious classes because it meant a loss of resistance from the religious classes because its meant a loss of status hallowed by centuries of public reverence.



### Jamal al-Din Afghani

Jamal al-Din Afghani (1839-1897) rose to his world reputation during the last decades of the nineteenth century and by his iconoclastic personality and radical thinking left a deep mark on the attitudes of the religious reformers in many parts of the Muslim world. Emerging from the remote haunts of the Shi'a theology in Iran, he swept across the Sunnite world of the Ottoman Empire like an intellectual hurricane, preaching pan-Islamism, fighting European imperialism, and teaching the Muslims to reinterpret Islamic ideology in the light of modern science and technology that had completely revolutionized human civilization. His mercurial temperament, and the political conditions of the Muslim world, did not give him the chance to settle down to develop a serious and systematic framework of his thought. Most of his writings are in the form of speeches, and articles that he wrote for his periodical *al-urwat al-wuthqa*<sup>74</sup> and a small treatise entitled *The Refutation of Materialism*. These writings are scanty and too patchy; but a student of Afghani can draw a fairly clear picture of his approach to the crucial issue of adjusting Islam to the realities of the modern world.

Afghani's approach to religion of Islam was very pragmatic and rational. He was convinced that Islamic ideology and remained static so long that its dynamism had been blunted and the backward-looking vision of its self-installed custodians, the ulema, had rendered the mission of Islam totally ineffectual. Therefore, it would be helpful to start the examination of his religious ideas by a brief analysis of his views about the ulema as powerful religious elites in a Muslim society. He blamed them for their fanaticism, and rigid adherence to the concepts which were not fundamental to Islam, and had long since become outdated. He denounced them for their monopoly of the educational system and unscientific methods of instruction and learning. He could not understand their antipathy to European sciences, and was never tried of denouncing them for not realizing that in the modern world, the Muslims will not be able to salvage themselves from difficulties without learning science and technology. In an article, he criticized them in these words:

The strangest thing of all is that our ulema these days have divided science into two parts. One they call Muslim sciences and one European sciences. Because of this they forbid others to teach some of the useful sciences. They have not understood that science is that noble thing that has no connection with any nation — How very strange it is that the Muslims study those sciences that are ascribed to Aristotle with the greatest delight as if Aristotle were one of the pillars of the Muslims. However, if the discussion relates to Galileo, Newton, and Kepler, they consider them infidels.<sup>75</sup>

In view of the widespread influence of the ulema in a Muslim society, Afghani always thought that without change in the outlook of the ulema, Muslim nations would never become progressive. He hearkened the religious scholars to abandon the path of knowledge that had become archaic. The books they read and taught had no relevance to contemporary life of man. Cloistered in their own intellectual hovels, Afghani thought, the Muslim theologians had never considered, "what is the case of poverty, indigence, helplessness, and distress of the Muslims."<sup>76</sup> He expected them to explore the practical problems of the Muslims and should not sit like revered sages expecting people to admire and idolize them. They should tear the veil of ignorance from their eyes, and he warned them that their hair-splitting of the dogma and time-consuming intellectual pursuit of theological trivialities was an exercise in futility.

Afghani was well-versed in the tradition of Islamic philosophy and whole-heartedly supported the rejuvenation of philosophic studies for Islamic revival.<sup>77</sup> In his opinion, philosophy was the essence of human knowledge and remained one of the governing passions of his life. He admired Islamic philosophy because most of the Muslim philosophers relied heavily on demonstrable evidence to draw a conclusion and their faith in the authority of the revealed scripture as an instrument for understanding man and universe had rational basis. It was always the rationalist and scientific side of the Muslim philosophy that attracted him the most. The matter that needs to be understood at this juncture is that Afghani dichotomized the religious knowledge between the elites and the masses. In his 'Refutation' he has explained this thesis in unmistakable terms. In his opinion, only the select few have the capability to comprehend scientific and demonstrative argument. The masses need to be anesthetized against it, because with their limited vision, and meagre power of reasoning, they cannot grasp the true significance of rationalism. They are attracted only by emotions, rhetoric, irrational rituals, and persuasive force of mysticism. People in general should be kept away from abstract thinking. He also follows the Muslim philosophers in his contention that religion is an inescapable necessity because of its practical value for the survival of social order. They were also opposed to materialism and naturalism, because these concepts inflated human appetites beyond reasonable proportions, and concluded that the role of the prophecy was to curb these propensities and give a social system a stable and legal framework.<sup>78</sup>

The next important thing that we need to examine about Afghani is his views about Islamic orthodoxy. His biographers generally agree that

in the beginning of his career, Afghani acquired a reputation of being an agnostic, and in some quarters he was even labeled as heretic. But in “The Refutation of the Materialists” for the first time, he presented himself as a defender of the Islam’s orthodox tradition. He criticized in this treatise the rising tide of westernization in the Muslim world and evils that followed it. This transformation took place because during the last decades of the nineteenth century, anti-western sentiments were rampant in every Muslim country, and even the most liberal and the rationalists were turning more and more towards Islam for a sense of direction and identity. Moreover, during his stay in India between 1880-1882, he noticed that a group of Westernized Indian Muslims, under the leadership of Sir Sayyid Ahmad Khan were preaching that loyalty to the British rulers was not un-Islamic. He also felt repugnance against their thesis that made study of natural law an integral part of the theological studies. It was due to this aspect of Sir Sayyid’s modernism that his group was called the *Neicheriyya*. Most of the recent commentators of Afghani’s thought are of the opinion that his love for orthodoxy stemmed primarily from his hostility to Sir Sayyid. The crux of his religious thinking, in other words, was to criticize the religious conservatives, who were against western learning and reformers like Sir Sayyid who preached blind following of the West in thought, food, language, dress, art, literature, and social and moral ideas.<sup>79</sup>

### **Muhammad Abduh**

Jamal al-Din Afghani’s junior colleague, disciple and co-editor of his famous *urwat al-wuthqa*, Muhammad Abduh<sup>80</sup> (1849-1905) was another landmark figure, whose contributions to the Islamic modernism earned for him a world wide reputation. Abduh though very much devoted to his master, was considerably different from him in many respects. He was less flamboyant in politics and more scholarly. He was more organized and systematic in his thought, and by virtue of the high official position that he occupied in Egypt, he was able to win recognition for many of his reforms from the government. Many of these reforms were later picked up for legislation in other Muslim countries also. His thought is the classic example of harmonious blend between traditionalism and modernity. This was reflection of his cosmopolitan outlook, his wide-ranging intellectual interests, and profound reading in ancient and modern sciences. Writers on the modern revolutionary movements in Islam have listed that Abduh, when he formulated his program of reforms had certain very clear and specific objectives in view. He wanted, (i) the purification of Islam from corrupting influences and practices, (ii) the reformation of higher education in Islam, (iii)

reinterpretation of the doctrine of the Qur'an according to the needs of the contemporary civilization (iv) and the defence of Islam against European attacks. The anxiety shown in these reforms was the same that had been discerned in the writings of Muslim reformers who preceded him, but Abduh's greatness lies in the fact that he was more systematic, and used considerable prudence and common sense in publicizing them.

Abduh responded to all the challenges that confronted the world of Islam during that time. The relationship between science and religion, however, was the biggest challenge, that was a subject of enduring debate among religious scholars. Abduh tried to resolve this issue by showing that there was no incompatibility between reason and revelation. There was no conflict between religion and science, because both were based on reason. Application of reason, he argued, to the study of nature would automatically increase our knowledge of God. The more talent and energy we spend in exploring the secrets of nature, the closer we reach a stage when our path would be illuminated with the radiance of the Supreme Creator. A verse of the Qur'an that he has used repeatedly in his writings is, "He created for you all that is on earth."<sup>81</sup> He concludes that the verses in the Qur'an in which men have been hearkened to witness the signs of God in nature, constitute nearly half of the Qur'an. Since the word of God had not put any restriction on the study of physical sciences, it would be wrong to argue that religion was against reason or science.<sup>82</sup> For instance, Abduh tried to find clues to the Darwin's theory of evolution in the Qur'anic verse, "Had God not repelled some of the people by means of others, the earth would have been corrupted."<sup>83</sup> In other words, the scientific concept of the struggle for survival which was considered the hallmark of modern science had already been mentioned in the Qur'an. He called it *Tanazu al-Baqa* and those who questioned such a derivation had the following reply from him.

Some intruders into the science of God's custom with societies suppose that the struggle for survival is only an effect of the materialism of the present age and that it is the materialists who instituted and pronounced this idea, which is contrary to the teaching of the Faith. But if those who say this understand the meaning of human nature or understood themselves, they would not say what they do.<sup>84</sup>

Just as Abduh was searching the origin of modern scientific knowledge in the Qur'an, the same way he was very keen to abrogate myths and superstitions that in his opinion were un-Islamic, or against reason. For instance, he did not have any faith in miracles. In his writings he did every thing to disapprove of them. Malcolm Kerr has described Abduh's views on miracles in these words,

A miracle in Abduh's writings as well as in traditional terminology, is called *Khariq al-ada*, literally the infringement of what is usual – miracles for him are much more than unusual events; they are outright contradictions of established, fixed principles, and therefore irrational. Abduh revolted against miracles and denied that they have any place in Islam. Abduh admits that there is one exceptional miracle recognized by Islam — The Qur'an.<sup>85</sup>

It was sweeping statements like these that kept the bulk of the religious circles against him. In their opinion, his modernism smacked of heterodoxy. It was again for this very reason that in spite of his tireless efforts, he failed to reform al-Azhar. Most of his followers were recruited from the westernized section of the Egyptian population, such as lawyers, doctors, journalists, teachers, and government officials.

Abduh further adds that just as the Qur'an is perfect guide in examining the laws of nature, in the same way it has a code of laws which can keep society on the path of rectitude. There are special laws that govern the destiny of mankind. Every social system provides a depressing spectacle of contrasting characteristics. Strength and weakness, wealth and poverty, respect and humiliation, domination and subjection tend to exist side by side in each society. The only way nations could steer through successfully in this whirlpool of contradictions is by obeying the laws of God. Those who abide by these laws triumph, the others sink and disappear in the darkness of oblivion. Abduh was probably among the early reformers of modern Islam who used the Qur'anic verse, "Verily God does not change the state of a people until they change their own state",<sup>86</sup> as a reminder to his co-religionists that without change their future would remain bleak, he would like to assimilate the ideals of modernity through the inner resources of the Faith. He would not like to abandon the fundamentals of Islam at any cost; but at the same time he would like the Muslims not to ignore the realities of modern scientific age. In theology, Abduh followed the school of Imam ibn-i Taimiyya and Imam ibn-i Kaiyyam al-Jawzi, who favoured religious reforms on conservative lines. To their ideas he added al-Ghazali's ethics and in doing so produced a very progressive Islamic doctrine. In his view, this was the only way that the Muslims could be rescued from the curse of sectarianism. In his *Risalat al-Tawhid* he constantly reminds the Muslims that disputes and conflicts in religious interpretations were irrelevant and constituted a major cause of their ruin. He summed up his vision of Islam by saying that,

our belief is that Islam is a religion of unity in conviction and not diversity in principles. Reason is amongst its strongest supporters and revelation is one of its strongest bases. Beyond this are delusions from Satan and whims of the rulers.<sup>87</sup>

Another salient feature of Abduh's thinking was the emphasis that he placed on the use of *ijtihad* as legitimate intellectual device to introduce changes in those theological areas which had lost their utility. In a piece of autobiographical writing, he listed introduction of *ijtihad* as his top priority. He said:

First, to liberate thought from the shackles of *taqlid*, and understand religion as it was understood by the elders of the community before the dissension appeared, to return in the acquisition of religious knowledge to its first sources, and to weigh them in the scales of human reason, which God has created in order to prevent excess or adulteration in religion so that God's wisdom may be fulfilled and the order of the human world preserved, and to prove that seen in this light, religion must be accounted a friend of science, pushing man to investigate the secrets of existence, summoning him to respect established truths and to depend on them in his moral life and conduct. All this I count as one matter, and in my advocacy of it I count on the opinion of two great groups of which the body of *ummah* is composed, the students of the sciences of religion, and those who think like them and students of the arts of this age, with those who are on their side.<sup>88</sup>

He argues that the Qur'an and the Hadith embody only general principles, and avoid rigid ruling on specific issues. This leads to certain philosophical dilemmas which can be resolved only through the mediation of human reason. This makes *ijtihad* not only permissible, but essential for the survival of the Islamic doctrine.<sup>89</sup> Abduh, however, would not grant permission to use reason in religious matters to every Muslim. Only men with depth of understanding and knowledge of the meanings of the Qur'an are allowed to interpret the faith. He had a faith in *ijma'* but he would not rate it very high among sources of the Muslim law. Even if the collective will of the community, he says, has been established, it is still fallible and susceptible to error. He further adds that *ijtihad* would still be needed even if *ijma'* has become a common characteristic in the assessment of the public opinion. Osman Amin, while commenting on Abduh's views on *ijtihad* says,

In all his life and teaching Muhammad Abduh has never ceased to fight the *taqlid*, that is the passive acceptance of the dogmas from religious authorities without asking for proof, and without thinking of the rights of free examination and personal initiative. It is this that we constantly hear him recommending the principle of *ijtihad* that is thought free from all fetters, and stigmatizing the *muqallid*, to the point of likening him at times to an infidel. The gates of *ijtihad* says Abduh is far from being closed once for all, as some wrongly pretend, are wide open to all the questions raised by the new conditions of life. The last word must no longer belong to the old letter or authorities long dead, but to the modernist spirit and to the consideration of the common good.<sup>90</sup>

Like the rest of Islamic modernists he declared the orthodox ulema as being guilty of *bidda'* and criticized the Muslim masses for their

apathy and fatalism. But with all his undiminished faith in the efficacy of reason, Abduh however is very discrete in its advocacy. He would not stretch the limits of his rationalism, to an extent where it would touch the boundaries of Mutazillite thinking, because that would have adversely affected his Asharite conservatism. This attitude is amply manifested in his approach to free will. He claims that free will is not *shirk*. *Shirk*, in his opinion, comes into existence only when anyone but God is endowed with a freedom that is unrestricted by natural forces.<sup>91</sup> His ideal of a Muslim society was the combination of revelation, reason and law. It is a society that obeys the will of God meticulously, adheres to the principles of rationality, and is committed to the moral and economic welfare of the people. When Islamic law is fully understood, obeyed and rationally interpreted, the society flourishes; but the moment it either ignores or deviates from the fundamentals, decadence sets in and in the midst of chaos its future becomes uncertain. For the picture of an ideal Muslim society his mind was glued to the golden period of Islamic history. The generation when *salaf* presided over the destiny of the *ummah*. His definition of the *salaf*, however, is much broader than commonly understood in the theological vocabulary of Islam. He does not confine it only to the days of the Holy Prophet and his companions, but also includes the period when such luminaries of Muslim theology as Ashari, Baqillani, and Maturidi lived. He attributes the decline of Islam to the infiltration of alien philosophical knowledge and the distortions introduced by mystics who, in his opinion, publicized unbelief. Abduh's method was comparative and he was interested in all the four schools of Islamic jurisprudence. In forming his opinion, he always synthesized the interpretations of all the four schools of thought, and would take into consideration opinions of even the independence jurists and then analyze them all in the light of the Qur'an and the Hadith.

Afghani and Abduh constituted a very powerful school of thought among the Muslim modernists. They had lived and worked closely, and in spite of certain major differences, they still had so much in common in their thinking, that they were always treated as architects of a reformative movement with unique characteristics of its own that distinguished it from other similar movements in the Muslim world. Their mission and message contrasted particularly from the movement of Islamic modernization that was started on the Indo-Pakistan subcontinent during the second half of the nineteenth century. In the history of modern Islamic renaissance, this movement is called the "Aligarh Movement" that was inspired by the thinking and reformative zeal of Sir Sayyid Ahmad Khan. Sir Sayyid understood the meaning of modernization quite

differently from the one that formed the crux of Afghani and Abduh's movement.

### **Sir Sayyid Ahmad Khan**

Sir Sayyid Ahmad Khan (1817-1898) was unquestionably the most dominant figure among the religious reformers of the Indo-Pakistan sub-continent during the second half of the nineteenth century. He was able to ignite a very powerful urge among his disciples to purge Islam of all the impurities and inadequacies that had hindered the adjustment of the religious doctrine to contemporary conditions of life in which science, technology and general enlightenment had become the primary features of human civilization. He was not educated in religion in any religious seminary. He studied Persian and Arabic with deep interest, but not with an objective to become a religious scholar. He used his knowledge of these languages for his monumental work *Athar-al Sanadid*, an accurate account of the historical remains of Delhi; and in editing *Ain-i Akbari* of Abul Fadl. These two works alone would have earned for him a respectable niche among historians of India. But after the *Mutiny* of India of 1857 he turned towards the educational uplift of the Muslims of South Asia and assumed the mission of reforming traditional Islam. To achieve this end, he devoted all his talents and energies in understanding Islamic theology and comparing it with other religious systems. He even learned Hebrew and set up a press with English, Urdu and Hebrew types. His broad-based insight into various religions led him to conclude that there was no difference between Christianity and Islam. To prove this he wrote commentaries both on the Bible and the Qur'an, the latter, however remained unfinished, although whatever he was able to finish was fairly enormous in size and scholarship.

He was born in a Mughal aristocratic family. After finishing his early education he joined the judicial service of the East India Company as a *munsif* but gradually rose to become a sub-judge in Delhi. During the Mutiny of 1857-58, he remained loyal to the British and won their deep gratitude by saving the lives of many Englishmen and women. His loyalty to the British made the traditional Muslim aristocracy very angry, and religious classes found in his advocacy of the English language a "high road to infidelity."<sup>92</sup> Sir Sayyid, however, had been endowed with a very strong character and powerful determination. To the members of the defunct aristocracy he advised to imbibe western learning, and profess loyalty to the British and they would again become the ruling elites, while to the mullahs he answered by challenging their orthodox views and proving through fresh interpretation of the verses of the Qur'an that how far astray they had gone from Islam's Straight Path.



The Mutiny of 1957-58 had been a gruesome tragedy for the Muslims. This was also the turning point in the life of Sir Sayyid. His heart ached at the sight of the widespread ruin of the Muslim community and he decided to start a movement that would have a healing touch for the wounds inflicted by the war that brought to an end their centuries old rule over the sub-continent and left them humiliated and shipwrecked.

Sir Sayyid's greatest achievement was the Anglo-Oriental College which he founded in 1857, and that later became the Aligarh Muslim University. It was primarily an institute where young men of the former Muslim aristocratic families were taught English, western art, literature and sciences. He introduced the study of Islam, but the Islam that was taught at this institution was the one that was in consonance with his own interpretation. Many of the senior teachers at Aligarh were Englishmen, who exercised tremendous influence on the academic planning. The Aligarh graduates became a breed apart socially and intellectually from the rest of the Muslim population of the sub-continent. A degree from Aligarh increased job opportunities, enhanced the chances of official patronage and was considered a sign of affluence. The entire campaign of Sir Sayyid for this kind of modernization was called "Aligarh Movement".<sup>93</sup> The movement was supported by a constellation of his distinguished disciples. Mawlawi Nazir Ahmad, Mawlawi Zakaullah, the renowned poet Maulana Altaf Hussain Hali, and an eminent historian of Islamic civilization Maulana Shibli Naumani, were the main pillars of the Aligarh movement.<sup>94</sup> They all agreed with Sir Sayyid that Indian Muslims must face reality and reconcile themselves with the West both culturally and politically. They were prepared to support his thesis that India, under the British rule, could be included in the *Dar-ul-Islam*. Aligarh's prestige as an institute of higher learning was very high, but it would be difficult to say that it became a beacon-light for a widespread renaissance in Islam. P. Hardy says,

what Aligarh did was to produce a class of Muslim leaders with a footing in both Western and Islamic cultures, at least both in British and Muslim societies and endowed with a consciousness of their claims to be the aristocracy of the country as much in British as in Mughal times. Educated in a residential college which imitated the English public schools of the time, with its emphasis on character, leadership and prowess in games, rather than scholarship with debating societies and old boy's associations to maintain the college esprit de corps.<sup>95</sup>

The list of Sir Sayyid's works is fairly long. His *Asbab-i-Baghawat-i-Hind* (cases of the Indian Revolt) was published in 1859. An account of the Loyal Mohammedan of India in 1860, Review of Hunter's Book in 1872, in which he proved that India was not *dar-al-harb* in 1872, *Tabyin*

*al-Kalam* (explanation of words) 1862-63. Essays on the Life of Mohammed in 1870, and Tafsir-al-Qur'an in 1880-89. Over and above this he wrote numerous articles in his famous Journal *Tahzib-al-Akhlaq* (The Refinement of Manners). In every single piece of writing, his main thrust was to convince the Muslims that the western knowledge was not anti-Islamic. He never doubted the truth of God and His last prophet, but he repeatedly cursed the Muslims for having ossified the dynamic spirit of the Islamic laws. He condemned their hostility to laws of nature which, in his opinion, were also manifestations of the attributes of God. P. Hardy has summed up the essence of Sir Sayyid's thought and its relation to the natural law in the following words:

Sir Sayyid avoids the imputation of setting up a closed system of natural laws, separate from the partnering a system of religious law, by arguing the man's reason and knowledge cannot grasp the nature and number of God's attributes and certainly not in the manner in which God Himself understands them. Thus, what may appear to be an event under a jurisdiction separated from that of nature, for example, a "miracle" may be explicable as a natural event because it is a manifestation of a Divine attribute which we as human beings have failed to conceive as belonging to God. Nature, then, "that law is conformity to which all objects around us, whether material or immaterial receive their existence and which determines the relation which they bear to each other, is of God's attributes, which are one with His essence and exist from all eternity to all eternity. The unity of God is therefore preserved and Muslims in studying the laws of nature are in effect studying God. Islam is Nature and Nature is Islam."<sup>96</sup>

Sir Sayyid could never be convinced that there was any conflict between "the Word of God and the Work of God."<sup>97</sup> He differed in this matter from the traditional religious scholars, but for his own satisfaction the thesis propounded by him seemed to be the only rational way of looking at Islam. The perplexing dilemma that confronted the modernists like Sir Sayyid was that the West had been able to achieve its contemporary material prosperity, educational uplift and technological eminence only after separating church and the state. Sir Sayyid tried to resolve this dilemma by pointing out that in the revealed word of God, all issues relating to man's earthly existence had not been spelt out in all the requisite details. In his opinion, these details were to be fulfilled by the power of revelation that was embodied in human reason.<sup>98</sup>

Sir Sayyid relying on the authority of Shah Waliullah construed that there was a clear distinction between *din* and *Shari'yyah*. All prophets communicated the same *din*, but each one of them brought a different *Shari'yyah* adapted to the circumstances of his time. The Qur'an, in his opinion, itself nullified the laws given to the world by the earlier prophets, therefore the code of secular law as enunciated in the Qur'an is meant for reflection and not for reference, calls for consideration not

conformity.<sup>99</sup> Although the traditional theologians refused to recognize him as religious reformer, but in his mind, he had no doubt that he was destined to reshape the ideological geography of the Islamic doctrine by reinterpreting its principles, which though cherished by millions, were according to his way of looking at the text of the Qur'an un-Islamic, and detrimental to progress. Even his critics agree that Sir Sayyid had a very rigorous method of investigation, his appetite for scholarly studies was insatiable, and his moral integrity totally unblemished. In order to refute the charges levelled against the Holy Prophet by Sir William Muir, he travelled to England to search for material in the India Office Library, and the British museum. Before turning to Sir Sayyid's religious ideas and the views that he held about modernism and Islam, it would be helpful to note that his mind was secular, and he was obsessed with the notion that rationality and common sense constituted the most desirable instruments for human happiness and progress. His untiring crusade was primarily directed to restore the honour and dignity for the Muslim community of India, and remove religious hindrances that were inimical to modern knowledge. Although he had no systematic definition of the term progress, but about one thing he was sure that progress was not a religious concept. He thought that his effort to generate among the Muslims of India an awareness that they were sinking in an unfathomable pit of disgrace as a religious act. In an article published in his *Tahzib-al-Akhlaq*, he stated his views on this matter as follows:

It is strange that to use one's effort to enable the Muslims to progress as a people, to maintain the study of religion, to make provisions for education in those worldly sciences which are beneficial and useful, to ensure economic security, to open avenues of honest employment, to remove the blemishes in social life and eradicate those evil customs and bad habits because of which people professing other religions look down upon the Muslims, to remove those prejudices and superstitions which are opposed to the *Shari'yyah* and hindrance to every kind of progress — it is strange that this should not be attributed to religiousness and to love of the Muslims but to the absorption in worldliness. I do not see how this attitude could be justified in the eyes of God.<sup>100</sup>

Sir Sayyid contended that doctrine enunciated by the Qur'an and those elaborated in the authentic literature on Hadith were fundamental to Islam, but then there were other principles of life which were sanctioned by laws of nature and were equally important.<sup>101</sup> Therefore, in his opinion, laws of *Shari'yyah* need to be supplemented with natural laws to comprehend the entire spectrum of life. He illustrated his contention by saying the *salat* which means thoughtful devotion to God is a religious obligation, but matters like *wudu* or whether one should pray while standing or sitting are only supportive instruments to be used

in the light of commonsense and logic of the situation. It is for this reason that during illness these requirements are waved. He also pointed out the attributes of God listed in the Qur'an and the Hadith were only allegorical and could not be taken literally. He expressed similar views with regard to the Day of Judgement, Heaven, Hell, and Angels. Although his ideas on these subjects were very radical from the point of view of strict orthodoxy, and seemed to have gone too far, his examination of certain social institutions was very constructive and innovative. For instance, his thesis to prove that slavery was against both the spirit of the Qur'an and the laws of nature was based on positive logic of Qur'anic injunctions. In support of his arguments he quoted profusely from the orthodox literature. Similarly, he portrayed in eloquent terms that polygamy had been indirectly prohibited by the clause of equal justice to all wives. In his opinion, usury was prohibited, but this prohibition was not applicable to Government Promissory Notes and loans.<sup>102</sup> He allowed the Muslims to wear western dress, and they could emulate their eating habits from anywhere in the world. To further undo the narrow-minded conservatism from among the Muslims, he emphasized that the believers must develop an attitude that would enable them to cultivate *hubb-i-imani* and *hubb-i-insani*.

The radical proposition of blending natural law with the laws of *Shari'yyah*, could not win Sir Sayyid many sympathizers among the Indian Muslims. His ideas left many religious quarters completely stunned, and some even burst into violent opposition. But he was lucky to have created a band of disciples who were prepared to help him, even when they disagreed with him on many issues. The last years of his fruitful life he dedicated entirely to his school, which he had founded in 1875, which was mentioned earlier became a university. Whether writing religious treatises or planning curriculum for the college, Sir Sayyid put maximum emphasis on *amal-i salih*. None of his predecessors, nor any of his contemporaries had described *amal-i salih* in such concrete terms. Perhaps the motive behind this was to convince his co-religionists that the success in this world is as important as the striving for the betterment of the world to come. This was contrary to the commonly held conservative opinion, which gave life hereafter primacy over life spent in this world.

Among Sir Sayyid's most enduring contributions, to the rejuvenation of Islam, however, was his powerful defence of *ijtihad*.<sup>103</sup> As it is noticed that every apostle of modernization of Islam has condemned *Taqlid* in unmistakeable terms. *Ijtihad* is the only ideological tool with which the modernists want to break the rigidities of the laws of *Shari'yyah* which had not been derived from the Qur'an or the Sunnah of

the Prophet, but were only the interpretations of the previous Jurists, which in the popular mind had been so hallowed that any deviation from them was considered sacrilegious. This had been the sole cause for the stagnation of the doctrinal framework of Islam. Sir Sayyid was fully aware of the fact that unless the doors of *ijtihad* were reopened, Muslims would always miss the benefits of progressive forces, and Islam as a religion would continue to be regarded by its critics as a hidebound doctrine with no future. In one of his essays, he described the disastrous consequences of the *taqlid* in the following words:

The Ahl-i-Sunnah wal-Jama of the later ages have evolved the strangely erroneous concept that the principle of *ijtihad* is no longer to be acted upon and now no one can become *mujtahid*. This error in belief has done us great spiritual and worldly harm. It is, therefore, essential that we should give up this belief and resolve upon investigating all matters, whether they concern religion or worldly life. We must remember that circumstances keep on changing and we are faced daily with new problems and needs. If, therefore, we do not have living *mujtahids*, how shall we ask those who are dead about questions which were not material facts of life in their time. We must have a *mujtahid* of our age and time.<sup>104</sup>

The approach of Sir Sayyid has been called “rationalist apologetic” modernism. The distilled essence of his thinking was to adopt western standards of moral judgement, accept the laws of nature as the central feature of religious debates and discussions, and prove that reason and revelation do not contradict each other.

His ideas were particularly disturbing to the *mulla* class that had always advocated that Islam rested on an immutable belief system. The mullah created doubts and led the people towards disbelief. Sir Sayyid labelled the protagonists of *mullaism* as misguided religious maniacs, and continued to argue that Islamic message went beyond the world of belief and encouraged men to keep searching new ideas for the enrichment of the human mind. There is no doubt that he was deeply influenced by the reformative climate of the nineteenth century. He searched every nook and cranny of the intellectual and theological heritage of Islam, and drew conclusions that would give religious consistency to his thought. His opponents called him an extreme rationalist, a nineteenth century *Mutazilite*, and found many of his ideas very close to the *Zahiriyya* school of jurisprudence, who completely rejected *qiyas* and *taqlid*. His famous biographer Altaf Hussain Hali (1837-19145) has compiled forty-one points of difference between Sir Sayyid and his orthodox opponents.<sup>105</sup> Hugh Tinker has described Sir Sayyid Ahmad Khan’s views about the regeneration of the fortunes of the Muslim community in India in the following words:

His campaign to rehabilitate his community followed closely (though not consciously) the approach of Ram Mohan Roy.<sup>106</sup> He reinterpreted Islamic doctrine so as to disarm Christian criticism (as by stressing the predominance of monogamy among Muslims). He attempted a synthesis of Islam with the new scientific rationalism, but he also took a firm stand against the attacks of Christian controversialists against Islam, he urged a return to the Qur'an, and he asserted the supremacy of Islam amongst the religions of the world, because God uniquely revealed his purpose through the Qur'an. In practical applications — he believed that his community could be regenerated by Western education by the absorption of western thought into the Islamic cosmorama.<sup>107</sup>

In politics, Sir Sayyid is now considered by Estonians as the herald of separatist movement that culminated in the establishment of Pakistan in 1947. It is surprising that leading westernize like him had no faith in western democracy. When the Indian National Congress was founded he advised his coreligionists to stay away from it because it preached democracy, which meant majority rule and majority rule meant Hindu rule. Percival Spear says,

Thus the Sayyid sought to bring Islam in India into line with modern thought and progress. But there was no thought of union with the Hindus. They were still a heathen body tainted with idolatry and superstition. Toleration was matched with aloofness in his thought, coexistence with separateness, he preached cooperation with the British to avoid eclipse and absorption by the Hindus.<sup>108</sup>

In his famous treatise *Asbab-i Baghavat-i Hind* (The Causes of the Indian Revolt) Sir Sayyid had put a lot of blame for that tragedy on the British. He criticized them for their aloofness from the masses and impressed upon them the need to establish bridges of understanding with the people as was the case with the Muslim rulers. He said,

There is no real communication between the governors and the governed, no living together or near one another as has always been the custom of the Mohammadans in countries which they have subjected to their rule.<sup>109</sup>

The restrictions that he placed on the political activities of the Muslims, and the emphasis that he laid on the learning of the English language helped Sir Sayyid a great deal to win the confidence of the British and they showered many favours on him in strengthening the Aligarh movement.

Jamal al-Din Afghani and Sir Sayyid Ahmad Khan as leaders of two separate schools of modernity in Islam had only one point in common. Both believed in *ijtihad*, and considered *Shari'yyah* to be evolutionary in character. In the rest of the characteristics of modernization the two were poles apart. On some of the critical issues, where the two had diametrically divergent views, can be listed as follows:

1. Afghani was a rationalist in his thinking but he considered Sir Sayyid's rationalism a new type of *Ilm al-Kalam* which was in essence heretical. Afghani expressed strong opposition to Sir Sayyid's emphasis on the law of nature as part of the Qur'anic doctrine, and contended that it falsifies the word of God. His famous treatise, "The Refutation of Materialism" was primarily directed against Sir Sayyid and his disciples.
2. We have seen earlier that Afghani was basically a political iconoclast. The main thrust of his crusade was to fight against European imperialism in the Muslim lands. Any Muslim leader or reformer who cooperated with the imperialist authorities was, in his opinion, an enemy of Islam. Sir Sayyid on the other hand was preaching the Muslims to cultivate subservience to the British, and stay away from the politics because that was the only way to win trust and confidence of the colonial rulers. In other words, there was an inescapable incompatibility of views between the two leading reformers of Islam during the second half of the nineteenth century. Moreover, Afghani also thought that Sir Sayyid's educational program was a part of the imperialist conspiracy to undermine some of the sterling virtues of the Islamic doctrine.
3. Sir Sayyid also had no faith in Pan-Islamism and was never an enthusiastic supporter of the institution of Khilafat. He was opposed to Afghani's passion of unifying the entire world of Islam, and would have been most satisfied if he could isolate the Indian Muslims from the rest of the world of Islam. He was in total disagreement with those Islamists like Syed Ahmad Brelvi and Shah Ismail Shahid, who had declared India under the British *dar-al-harb*. Afghani as the leading high priest of Pan-Islamism could not see eye-to-eye with Sir Sayyid on this issue.<sup>110</sup>

Sir Sayyid, however, was not the first one to differ so drastically from the orthodox interpretation of Islam. Philosophers and thinkers of Islam before him had voiced similar protests against the ulema, who had excluded reason completely from discussions relating to the religion. His doubts regarding the authenticity of the Hadith were nothing but a reproduction of the scepticism shown by al-Razi regarding this major source of Islamic *Shari'yyah*. His emphasis on *taqlid-i shakhsi* was an extension of Shah Waliullah's thesis, and in declaring that "Islam is Nature and Nature is Islam" he was only reinterpreting and further elaborating what had been said by al-Jahiz. His repudiation of miracles was borrowed from the *Mutazilite* doctrinaires. In practical affairs like

polygamy, slavery, interest, and *ijtihad* he shared his views with the rest of the Muslim reformers during the nineteenth century.<sup>111</sup> The only thing that distinguished him from the rest of the leading reformers of the contemporary Muslim world like Afghni, Khayral-Din of Tunisia, and Abduh of Egypt was that the latter showed more respect to the consensus than Sir Sayyid. This was probably due to the sense of revolt that he had against the stagnant thinking of the ulema. To remedy this situation he assumed the role of a *mujtahid* himself.<sup>112</sup>

We have provided a synoptic view of the various dimensions of Islam and modernism. It shows the inherent complexities and still unresolved dilemmas that continue to haunt the thought and imagination of the Muslim reformers. Although for fifteen hundred years the core of the Islamic faith has remained unchanged; but even a cursory glance over the history of Islamic civilization can indicate that indifferent cultures its spirit has been somewhat transformed to suit the local conditions and norms of the people. Therefore, one is not surprised that indifferent Muslim countries the response of the people to modernity and the spiritual and moral anxieties that come in its wake has been widely different. Moreover, since the end of World War II, with the rapid decolonization and the galloping ambitions of the new rulers, most of the Muslim nations are in the midst of a breakneck race for economic and social development. In recent years, billions of petrodollars have flooded the coffers of certain oil-rich Muslim countries. This sudden influx of money in itself has been a tremendous incentive towards modernization.

Comparison of one epoch in history with another, especially when the two are separated by a yawning gap of centuries, can often be deceptive and misleading; but by comparing what happened in the Ottoman Empire at the turn of the last century when the western civilization first penetrated into the archaic and decaying Muslim empire, and the changes that are taking place in some of the oil-rich nations of the Arab world today, a student of modernization in the world of Islam, can get some pertinent clues that would enable him to resolve many perplexing problems. It was at the turn of the nineteenth century that the impact of Europe first started influencing the minds of the ruling classes of the Ottoman Empire. They felt that by reshaping superficially some aspects of their society they would suddenly enter into the broad and progressive world of modernity. They totally misconstrued the fact that by implanting selected features of the western civilization they would not be able to restore the lost glory of the empire. Civilization is a compact package of institutions, norms and ideals; if you borrow one of its elements the rest will follow automatically. The early reformers of the Ottoman Empire were particularly wrong in their estimate that they could



have western-style army, trained in Europe and conversant with European languages without altering its intellectual and political outlook. In their opinion, if the young Muslims received some western education, their religious and philosophical beliefs would not be affected. The history of secularism in the Ottoman Empire during the nineteenth century shows their calculations were entirely mistaken.

### **Muslim Modernism versus Rationalistic Eclecticism**

There are many puzzling problems of the contemporary civilization which need to be resolved, but a modernist does not find any positive clue for their resolution in the voluminous literature on Islamic *Shari'yyah*. The fact of the matter is that the laws of the *Shari'yyah* were evolved by leading jurists centuries ago, and after the closing of the doors of *ijtihad*, no creative energies were expended to widen their scope so that changing realities could be accommodated without any spiritual anguish or popular resistance. It would have been a permanent antidote against conservatism, and the doctrine would have maintained its enduring dynamism if the doors of *ijtihad* had not been closed. But since this unfortunately did not happen, the modern world of Islam, just for its survival, and the defence of religion, has to find relevant and rational means to establish norms that would restructure the traditional framework of a Muslim society. This is the view that has been adopted by Ali Abdurrazziq (b. 1888) a member of a respectable circle of religious scholars at al-Azhar. In his book *Islam and the Basis of Authority*, he made a very radical departure from the accepted orthodox view of Islam. He unrolled a discussion about caliphate and like the rest of the modernists spared no effort to prove its redundancy. But his most radical thesis related to the separation of church and state in Islam. In his opinion in Islam religion and politics are dichotomized. Ali Abdurrazziq's contention is that the Prophet's mission was confined only to the spiritual side of life, his political and administrative role was only incidental to the position that the Prophet occupied in those peculiar circumstances. In complete disregard to the history of Islamic civilization, and the fact that all schools of Muslim Jurisprudence had, in unequivocal terms emphasized this unique aspect of Islamic doctrine, Ali Abdurrazziq leaves no doubt in the mind of his reader that in Islam unification of religion and politics is superimposed. He points out that Islam is only a spiritual and moral code, and concerns primarily with the relationship between God and man. After having established this premise, he concludes that the whole ponderous accumulation of Canon Law has nothing to do with religion, and the Muslim community, in order to stay in line with other progressive nations of the world, has every right to replace it with a new

set of laws. Human needs must take precedent over the tradition that has no root in the original divine injunctions of the Qur'an.<sup>113</sup>

Ali Abdurraziq's thesis of separating church and state in Islam created an avalanche of opposition among religious circles of al-Azhar. He was expelled from the institute and dismissed from his position as a Judge in a *Shari'yyah* Court. The orthodox ulema who had been nurtured on the writings of Rasid Rida, the leader of the Salafia movement, and other religious revivalists contended that if religion and politics were separated, it would lead to the fragmentation of *Shari'yyah*, and the whole super-structure of Islamic political system would collapse like a house of cards.<sup>114</sup> The religious groups in particular and the popular opinion in general were not prepared to accept such a cleavage, although the Islamic history provided ample testimony that for centuries the ideal and the actual had not been blended in the politics of Islam.

Even more radical approach to the modernization of Islamic doctrine has been put forward by Asaf Ali Asghar Fyzee, a respected Islamists of India whose writings are read with interest both by Muslims and non-Muslim readers of Islam. His basic specialization is Islamic Jurisprudence in which his book has been considered a standard work for many years.<sup>115</sup> It is difficult to estimate as to how far and to what extent he is influenced by living in a non-Muslim state, particularly like the one of India, in which the majority community's attitude towards Islam is soaked in pathological hatred, which has been aggravated by the happenings of the partition of the sub-continent in 1947. Whether it is a genuine urge and a specific manifesto to modernize Islam or simply an effort to tranquilize the fanaticism of the majority community, the fact of the matter is that Fyzee, as a learned scholar of Muslim law, haws put forward a scheme which tends to radicalize many orthodox concepts of Islam.

There has been a general complaint among contemporary Orientalist that the Muslim scholars who often charge them of built-in prejudice against Islam, have themselves failed to produce during the past hundred years a single work of intrinsic merit on Islam which could in concrete and systematic terms help the Muslims to overcome the difficulties and resolve the dilemmas created by ideological turbulence of the contemporary world.

The fact of the matter is that staunch Islamists and extreme modernists are so poles apart in their understanding of the religious doctrine that it is very difficult to evolve any reasonable consensus among them that would win support from the Muslim masses. A brief

review of the ideas of Mr. Fyzee will show how an uncompromising modernist can differ from the strict adherents of the orthodox Islam.

The Last Sermon of the Holy Prophet, according to Fyzee, shows complete fusion of law, politics and religion, and this spirit continued to permeate during the centuries of the Islamic history. But then the time came when laws were bifurcated into *Qanun* and *Shari'yyah*. *Qanun* was a product of the complexities introduced by the incorporation of the customary law of the conquered nationalities. Its foundations were secular and could easily be distinguished from the roots of the *Shari'yyah* that were deeply laid down in the Qur'an and the Sunnah of the Prophet. The fundamentals of *Shari'yyah*, which constitute the core of the religion may not change; but the *Qanun* has always been changing, and must change even today to accommodate new realities. According to Fyzee, there were many institutions that did not exist before, but are the most critical dimensions of man's organized existence today. They guarantee the economic prosperity and social uplift of the nations, and unless Muslims can find some way of reconciling them within the framework of religion, their mind will be continuously plagued with confusion. For instance, National Loans, Insurance, Income-tax, Higher-purchase Agreements, the Law of the Air, Industrial Legislation, Statutory Crimes — to name a few at random — had to be dealt with by society, and *Shari'yyah* could not possibly deal with them at all. The growth of a general civil law, applicable to all persons in a state, and not merely to the Muslims, was a natural corollary. The relation between *Qanun* and *Shari'yyah* is, therefore, a fruitful and instructive norm of inquiry.<sup>116</sup>

Like the rest of the modernists, he complains that as long as the path of the Muslim intellectuals is beset with the romantic glorification of the past, the main features of Islamic law and politics would remain stagnant. Past of the nation should be a torch light for the future and not a millstone around its neck. In his opinion, Islam today needs jurists with new orientations who have the professional competence and knowledge to relate Islamic Jurisprudence (*usual*) and Islamic Law (*furu*) to the socio-economic conditions of the society. A study of such relationship must take into consideration all the facts of history and other cultural factors that determine the philosophical geography of the nation's religious heritage. He expects the new generation of Muslim scholars to undertake comparative study of the religions of the world, particularly of those belonging to the Semitic origin. He has laid down six specific principles for the modernization of Islam. They are as follows:

1. Study of the history of religions.

2. Comparative study of the religion of the Semitic races.
3. Study of Semitic languages and philosophy.
4. Separation of law and religion.
5. Re-examination of *Shari'yyah* and Kalak.
6. Reinterpretation of cosmology and scientific facts.<sup>117</sup>

The study of the history of other religions is not a new dimension of Islamic studies, because Muslim historiographers in the philosophy of history, and their universal histories always touched upon the origin and development of other faiths, although much of their efforts in this direction were not scientific and could not be gainfully used for any systematic comparative study. There is no doubt that a Muslim scholar today is much better equipped for scientific investigation in the field of comparative religions, because many ancient works which were not easily available before have been published or have been translated with authentic annotations and rigorous editing so that a scholar can sort out fact and fiction easily. Fyzee is right in that such an attitude among Muslim scholars would certainly be a great asset in breaking their captivity of the dogma. An inclusion of comparative philology in the curriculum planning of the religious institutions is also understandable because this provides a scholar an access to original sources and give him the ability to interpret technical and difficult terms with greater precision and accuracy. But in the rest of the proposals Fyzee has taken a stand, that unquestionably would be vehemently contested not only by orthodox circles, but even by those who are moderately inclined towards change in the religious outlook. For instance, while discussing the need for a comprehensive insight into the spiritual and moral dimensions of Semitic religions, he has proposed hybridization of the religious ideals of Islam as the only way to the creative interpretation of the principles of Islamic doctrine. He says,

A special aspect of the study would be the hybridization of religious ideals. The Ismaili Khojas are hybrids between Islam and Hinduism; the Nosairis adopt the Christian dogma of the Trinity and engraft it on a form of Islam; and there must also be Muslim or Jewish sects, influenced by their counterparts. The Koran and the life of the Prophet would be clearer if such studies are undertaken in a scientific and objective spirit.<sup>118</sup>

There is no reason to doubt that such hybridization of Islam would be deeply resented by the bulk of the Muslim population in every part of the world. All sects that have been a product of cross-religious fertilization have often been labelled by proponents of orthodox Islam as heretical, and it would be totally unacceptable to them to see the Qur'anic canon law being consciously distorted.

Equally radical is Fyzee's thesis about the separation of law and religion. Integration of the law and religion has been the cornerstone of the *Shari'yyah* and this position was maintained in every period of Islamic history even when the rulers were completely denuded of the knowledge of religion. The law administered in the courts of law was always that of the *Shari'yyah*, *qadhis*, *muftis* and the rest of the officials of the Judiciary were always men of deep religious learning and all civil and criminal cases were decided in the light of the sanctions written in the *Shari'yyah*. It was after the occupation of Muslim lands by the European colonial powers, that the western educated elites started advocating replacement of religious law with the secular law borrowed from the West. They found it more rational and humane, and much more precise and scientific in its uniform application to all citizens Muslims and non-Muslims. Fyzee follows the same trend and elaborates it further in the following words:

And then we must deal with the law. The first task is to separate logically the dogmas and doctrines of religion from the principles and rules of law. The essential faith of man is something different from the outward observance of rules; moral rules apply to the conscience, but legal rules can be enforced only by the state. Ethical norms are subjective legal rules are objective. The inner life of the spirit 'the Idea of Holy' must be separated to some extent from the outward forms of social behaviour. The separation is not simple; it will even be considered un-Islamic. But the attempt at a rethinking of the *Shari'yyah* can only begin with the acceptance of this principle.<sup>119</sup>

In his opinion, the legal system of Islam is outdated, and unless new categories of law are found, the modern Muslim state would never be politically stabilized. According to classical legal framework in Islam, there are five categories of laws dealing with five different kinds of human actions. They are called *al-ahkam al-Khamsa* — *fardh*, *mandub*, *mubah*, *makruh*, *haram*. Fyzee contends that under present day circumstances these categories are insufficient and needs to be supplemented with the new ones such as civil marriage and divorce, company law, laws relating to insurance, higher purchase agreements, international financial transactions based on the payment and receipt of interest and government loans. This is only a small sample of new fields of legal activities on whose effective and efficient handling to a vast extent depends the social, economic and moral welfare of a modern society. To this can be added a long list of specialized tribunals which are essential to protect the rights of the citizens of a modern state. For all these matters the laws of *Shari'yyah* are silent, and the only way to save Muslim nations from the anguish of the legal limbo is to devise new categories that would be administered by laws residing outside the orbit of *Shari'yyah*.

Fyzee stretches his liberal interpretation of Islam still further to question another cardinal principle of the Islamic ideology. Every political philosopher of Islam has emphasized in unmistakable terms that sovereignty in a Muslim state belongs to God, and ordinances embodied in his divine legislation are immutable. This fact puts certain very serious limitations on the legislative authority of a Muslim state. Fyzee finds this concept totally impractical in a modern Muslim state. He would like the sovereignty of God to be transferred to the people, who constitute the foundation rock, over which the edifice of modern democratic institutions could be built. In his opinion, within the framework of modern life, there is ample scope for the cultivation of Qur'anic excellences of human character. Ideals of Islamic ethics like generosity, humility, brotherhood of all Muslims, courage, manliness, and the spirit of sacrifice are qualities that need to be taught continuously. But he adds that these ethical ideals should be supplemented today with the teachings of Barth, Tillich, Kierkegaard, and Radhakrishnan. In his opinion, Islamic theology and its ethical connotations have not been substantially reformed since the days of Ghazali, and it is high time that some one undertakes its revision and modernization. "Islam", he says, "must take heed of these changes and scientific incongruities should be removed from the fabric of religion."<sup>120</sup> Fyzee is in complete agreement with Muslim savants like Shah Waliullah, Sir Sayyid Ahmad Khan and Iqbal, and advocates re-examination of the *Shari'yyah* and would see that it is rescued from the captivity of tradition, and given a renewed dynamic momentum. He says,

If the complete fabric of the *Shari'yyah* is examined in this critical manner, it is obvious that in addition to the orthodox and stable pattern of religion, a newer Protestant Islam will be born in conformity with conditions of life in the twentieth century, cutting away the dead wood of the past and looking hopefully at the future. We need not bother about nomenclature, but if some name has to be given to it let us call it "Liberal Islam."<sup>121</sup>

He concludes his eclecticism with the remarks, "I give to every Muslim, and indeed to every man, the right to fashion his own faith — To you your religion, to me mine."<sup>122</sup> "I do not believe that the Gate of Interpretation is bolted and barred."<sup>123</sup>

A similar attitude has been adopted by Syed Abdul Latif, another eminent Indian Muslim scholar, who has translated Maulana Azad's Tarjman ul-Qur'an in English and has written a book entitled *The Mind That Al-Qur'an Builds*. He points out that there is a specific need for research directed towards the reinterpretation of the Qur'anic phraseology, so that a clear distinction could be made between the incidental and abiding directions of the Qur'an.<sup>124</sup> Syed Abdul Latif's

desire to draw a distinction between the incidental and abiding directives of the Qur'an, however, is nothing more than the restatement of the contention of other leading modernists that the interpretations of the earlier jurists have outlived their utility and in the modern age ideological rejuvenation of Islam requires immediate reinterpretation of some of its basic principles. The radical approach advocated by Fyzee and Syed Abdul Latif in its extreme form is noticeable in the ideas of M.R.A. Baig, portrayed in his book, *The Muslims Dilemma in India*. His approach, however, is not only radical but sacrilegious, because he is questioning the very authenticity of the composition of the Qur'an which has never been a subject of dispute even among the reformers who are pathological in their obsession for modernization. He says:

After all, as has been already pointed out, the Qur'an was compiled amidst controversy and confusion from snatches scrawled on date leaves, tablets of smooth, white stones, scraps of goat and camel skin and even on the shoulder-blades of sheep, in possession of various people by a commission appointed by the third caliph, Osman was notoriously weak and would it not be impossible that certain compromises were made and Qur'an was subjected to human fallibility. Certain verses to say the least are no longer valid — The argument that the Qur'an should be read as a whole is merely evasive and does not make valid what is so invalid as to be indefinite.<sup>125</sup>

The above statement smacks of the spirit that has usually governed the thinking of the inherently prejudiced Orientalist. The bulk of the Muslim masses whose faith is still untainted, would certainly abstain from Mr. Baig's conclusions. Modernists like Fyee, Latif and Baig, however, constitute a microscopic minority among the Muslim reformers of the twentieth century, and particularly after the dramatic resurgence of Muslim fundamentalism in recent years, the number of such modernists is further going to dwindle significantly. In the life of the nations as that of the individuals it is difficult to disassociate today from yesterday, because history is to nations what memory is to an individual. It is past that gives identity, administers caution, and places at the disposal of the decision-makers an accumulated fund of wisdom filtered through the ages. Therefore, every modernist must retain substantial element of conservatism in his outlook. Afghani, Abduh, Rashid Rida, Ameer Ali and Iqbal all wanted changes in the religious outlook of the Muslims, but at the same time were reluctant to remodel social structures and moral institutions that would be totally different from the previous ones. Sometime even patently irrelevant practices could not be radically changed because of the threat of disruption and break down in the continuity of the religious tradition. Where to draw a line of demarcation between conservatism, and modernity is a dilemma that has continued to haunt Muslim religious reformers around the world. It is perhaps due to

the perplexity of this dilemma that the Muslim reformers have not been able to produce a compact plan of reforms on which they would get the maximum consensus among all ranks of the *ummah*. A modernist is very hesitant to question the basic characteristics of fundamentalism, because it could easily mean his being declared an outcast. An average Muslim's faith in the religion as the source of ultimate truth is undeviating. Whenever anybody talks about change in religious practices, he considers it a revolt against unalterable divine command. Much of this resistance, however, is not based on the true understanding of the Qur'anic doctrine. Over a long period of time their minds have been nurtured on a defective and stagnant system of religious education. It is an indisputable fact that the message Qur'an has given to the world is universal, final and eternal; but it is also a part of the same message that man must strive to make the best of God's blessings on this earth. Now when both the reformist and fundamentalist have complete agreement on *ijtihad*, there is ample scope for the creation of a consensus among various schools of thought, by which Islamic ideology could be rejuvenated to become a dynamic instrument of progress in every area of human activity.

The ground for unity and reformation has been further levelled by the growing awareness around the world that civilization denuded of religion is naked barbarity. Religion has a mollifying effect on the destructive propensities so deeply ingrained in human nature. Through its ethical ideals, religion can tranquilize bitterness, hostility and pugnacity that have often shipwrecked cultures and social systems. This realization seems to be prevalent in every religion today. Even Buddhism and Christianity which had traditionally adopted a negative approach to religion, and had focused all their attention on hereafter, their leaders are now actively participating in the struggle for social and economic justice among human beings. In Latin America, North America and Europe, many priests from all denominations have been life-long political activities. They give moral and material support to many revolutionary causes. Even in a Communist society like Poland, the Catholic religion has assumed the role of an arbitrator between the dissident trade unions and the ruling communist party. In West Germany, after World War II, every political party, except the Communists, had accepted Christian ethics as a basic element of the political system. Buddhist priests in Korea, Vietnam, and Ceylon have also shown similar tendencies in their involvement with the wide-ranging critical problems of the social and economic uplift of the masses. Nineteenth century secularism that has relegated religion strictly to the private life of an individual is declining very fast; and even at a time when science seems to have touched the



peak of its achievements, mankind seems to be in a state of spiritual hiatus, and feels a moral vacuum that can be filled only by religion.

In such a situation, Islam is much better placed as a religious doctrine, because right from the beginning, it declared affairs of men and women in this world and the world to come as two facets of the same reality. It furnished a proper code of conduct, and motivated making towards a greater and wider commitment to activity, and piety. Islam has laid down fundamental ground rules for every social, economic and political institution, but at the same time it has given human reason enough elbow room to make changes without touching the unalterable fundamental rules. The approach of the Muslim apologist is unconvincing in the sense that he is trying to find every single element of modern science and technology, and all social and political institutions that constitute the hallmark of modern civilization already established in the Islamic doctrine. The best course of action would be to prove that Islam encourages men to be creative innovative, and action-oriented. It equips human beings with a discerning eye to distinguish between right and wrong, and guides them on the straight path so that they are not deflected by ghoulish temptations of extreme materialism. If this attitude is adopted, there is no reason why the Muslims of today should not be able to accomplish what their predecessors did immediately after the inception of Islam. If we were to approach the contemporary problems with such a frame of mind, we would be able to delete the term westernization from discussions on Islam. The real thrust will be towards Islamization, which would automatically mean rational and scientific understanding of issues and resolution of human conflicts through amity, peace and goodwill.

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### Notes and References

- 1 William R. Polk and Richard L. Chambers (eds.), *Beginnings of Modernization in the Middle East* (Chicago: The University of Chicago Press, 1968), p.16.
- 2 Ahmed Balafrej, Secretary-General of the Istiqlal Party in Morocco has described built-in modernity of Islam in the following way: Some people might wonder whether religious leaders or certain groups in Muslim universities even the Muslim religion itself-might not form an obstacle to modernization in the political and institutional field as well as in economic and social affairs. I should like to point out that Islam has no clergy and the Muslim religion, over secular problems but they do so by laying down general principles which are susceptible of evolution. These principles are

in no way incompatible with the development of the world or with modern trends. On the contrary, they are conceived in the spirit of progress, of equity, social justice, tolerance and peace among men. More than that, the *ijtihad* — interpretation of the principles—allows the commentators in any case to adopt the principles of the Koran to the requirements of evolution and progress.

cf. Benjamin Rivalling, “Culture and Conflict in the Maghrib” in the *Contemporary Middle East: Tradition and Innovation*, edited by Benjamin Rivalling and Joseph S. Szyliowicz (New York: Random House, 1965), p.153.

- 3 Kemal H. Kapat, “Land Regime, Social Structures, and Modernization” in William R. Polk and Richard L. Chambers, *op.cit.*, pp.88-89.
- 4 *Ibid.*, pp.88-89.
- 5 Daniel Lerner, *The Passing of Traditional Society: Modernizing the Middle East*.
- 6 Stanford Jay Shaw, “Some Aspect of the Aims and Achievements of the Nineteenth Century Ottoman Reformers” in William R. Polk and Richard L. Chambers, *op.cit.*, pp.29-41.
- 7 Bernard Lewis, *The Emergence of Modern Turkey* (London: Oxford University Press, 1961), p.55.
- 8 Afaf Lutfi al-Sayyid Marsot, “The Beginnings of Modernization Among the Rectors of al-Azhar, 1798-1799” in William R. Polk and Richard L. Chambers, *op.cit.*, p.269.
- 9 Hafez Farman Farmayan, “The Forces of Modernization in Nineteenth Century Iran: A Historical Survey” in William R. Polk and Richard L. Chambers, *op.cit.*, p.126.
- 10 *Ibid.*, p.127.
- 11 *Ibid.*, p.136.
- 12 *Ibid.*, p.149.
- 13 cf. *Ibid.*, p.123.
- 14 cf. Mangol Bayat-Philip, “Mirza Aqa Khan Krimani: A Nineteenth Century Persian Nationalist” in Elie Kedourie and Sylvia G. Hain (ed.), *Towards a Modern Iran* (London: Frank Cass, 1980), p.67.
- 15 *Ibid.*, pp.70-71.
- 16 Mangol Bayat-Philip, *op.cit.*, p.72.
- 17 *Ibid.*, p.73.
- 18 *Ibid.*, pp.74-75.
- 19 *Ibid.*, p.80.
- 20 cf. Ervand Abrahamian, “Kasravi: The Integrative Nationalist of Iran” in Eli Kedourie and Sylvia G. Haim (ed.), *op.cit.*, p.110.
- 21 *Ibid.*, pp.117-119.

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- 22 Albert Hourani, "Ottoman Reform and Politics of Notables" in William R. Pook and Richard L. Chambers, *op.cit.*, p.48.
  - 23 Afaf Lutfi al-Sayyid Marsot, "The Beginnings of Modernization Among the Rectors of al-Azhar, 1798-1879", *op.cit.*, pp.268-271.
  - 24 Nikki R. Keddie, "The Roots of Ulema's Power in Modern Iran" in Nikki R. Keddie (ed.), *Scholars, Saints and Sufis* (Berkeley: University of California Press, 1972), p.214.
  - 25 C.C. Berg, "Indonesia" in H.A.R. Gibb (ed.), *Whither Islam?* (London: Victor Gollancz, 1932), p.269.
  - 26 Louis Massignon, "Africa" in *Whither Islam*, p.28.
  - 27 *Ibid.*, p.88.
  - 28 Dale F. Eickelman, *Moroccan Islam: Tradition and Society in a Pilgrimage Centre* (Austin: University of Texas Press, 1976), p.22.
  - 29 Edmund Burke III, "The Moroccan Ulema 1860-1912: An Introduction" in *Scholars, Saints, and Sufis*. Nikki R. Keddie (ed.), *op.cit.*, pp.93-97.
  - 30 Edmund Bure, *op.cit.*, p.107.
  - 31 *Ibid.*, pp.118-123.
  - 32 Dale F. Eickelman, *op.cit.*, p.27.
  - 33 Adolphe Faure, "Islam in North-West Africa (*Maghrib*)" in *Religion in the Middle East*, Vol.II (Islam), edited by A.J. Arberry, (Cambridge University Press, 1969), pp.184-185.
  - 34 E.I.J. Rosenthal, *Islam in the Modern National State* (Cambridge University Press, 1965), p.316.
  - 35 Louis Massignon, *op.cit.*, pp.77-78.
  - 36 Bernard Lewis, "Islamic Concepts of Revolution" in *Revolution in the Middle East*, edited by P.J. Vikiotis, (London: George Allan and Unwin), p.31.
  - 37 *Ibid.*, p.33.
  - 38 Bernard Lewis, "Islamic Concepts of Revolution", *op.cit.*, p.39.
  - 39 H.A.R. Gibb, (ed.), *Whither Islam?* *op.cit.*, p.335.
  - 40 *Ibid.*, p.343.
  - 41 *Ibid.*, p.336.
  - 42 W. Montgomery Watt, "Religion and Anti-Religion" in *Religion in the Middle East* Vol.2 (Islam), (Cambridge at the University Press, 1969), p.612.
  - 43 Maxine Rodinson, "The Western Image and Western Studies of Islam" in *The Legacy of Islam*, edited by Joseph Schacht and C.E. Basworth, (Oxford: The Clarendon Press, 1974), p.12.
  - 44 Montgomery Watt, *op.cit.*, pp.609-610.

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- 45 Jacques Jomier, "Islam in Egypt" in *Religion in the Middle East*, Vol.II (Islam), edited by A.J. Arberry, (Cambridge University Press, 1969), pp.44-45.
- 46 William E. Griffith, "The Revival of Islamic Fundamentalism, The Case of Iran" *Hamdard Islamicus* Vol.III, No.1, Spring, 1980, p.47.
- 47 Manfred Halpren, "Four Contrasting Repertories of Human Relations in Islam' in *Psychological Dimensions of Middle Eastern Studies*, edited by Carl Brown and Norman Itzkowitz, 1977, p.90.
- 48 The famous Munir Report of Pakistan has described the ideological plight of a present-day Muslim in these words.  
 Little do we Muslim understand that the forces which are pitted against him are entirely different from those against which early Islam had to fight, and that on the clues given by his own ancestors the human mind had achieved results which he cannot understand. He therefore finds himself in a state of helplessness, waiting for someone to come and help him out of the morass of uncertainty and confusion. And he will go on waiting like this without anything happening — nothing but a bold reorientation of Islam to separate the vital from the lifeless can preserve it as a world idea and convert the Musleme into a citizen of the present and the future world from the archaic incongruity that he is today.  
 cf. A.K. Brohi, *Islam in the Modern World* (Lahore: Publisher's United, 1975), pp.287-288.
- 49 *Ibid.*
- 50 *Ibid.*
- 51 Manfred Halpren, pp.92-93.
- 52 G.E. Von Grunebaum, *Islam: Essays on the Nature and Growth of a Cultural Tradition* (London: Routledge and Kegan Paul, 1964), p.244.
- 53 Elie Kedourie, "Islam Today" in *Islam and the Arab World*, edited by Bernal Lewis, (New York: Alfred Knopf, 1976), p.322.
- 54 Al-Tahawi was born in 1801. In 1826 he went to Europe as Imam of the Educational Mission sent by Muhammad Ali from Egypt, and returned to Egypt in 1831. After serving in several government positions he acted as editor-in-chief of the *Journal Official*. He died in 1873. *Takhlis al-Ibirz* and *Manahijal-Albab al-Misreyya* are considered his greatest works.
- 55 Khayr al-Din al-Tunisi died in 1889 at the age of seventy. From a humble status in a slum through his remarkable talents and energy, he rose to occupy the highest offices of the Tunisian Baylic and the Ottoman Empire. Most of his ideas are found in a book entitled, *Aqwam al-Masalik fi Mrifat Ahwal wal-Mamalik*.
- 56 Abd al-Rahman al-Kawakebi was born in 1854 in Aleppo in a prominent Arab family. In 1875 he started his career as a journalist. After a chequered and stormy career in government, he suddenly died in Cairo in 1902.

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- Tabai-al-Istibdad, The Nature of Despotism and Umm al-Qura* (The Mother of Cities Mecca) are his best known works.
- 57 Elie Kdouris, *op.cit.*, p.324.
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- 59 *Ibid.*, p.239.
- 60 P.J. Vatikiotis, *The Modern History of Egypt*, (New York: Frederick A. Praeger, 1969), p.165.
- 61 I.H. Qureshi, "The Future Constitution of Pakistan" in *Islamic Review*, (London: 1950), p.33.
- 62 cf. Henry Elish Allen, *The Turkish Transformation* (New York: Greenwood Press, 1968), p.30.
- 63 *Ibid.*, p.192.
- 64 cf. Elie Kedourie, "Islam Today" in *Islam and the Arab World*, edited by Bernard Lewis, *op.cit.*, p.335.
- 65 A recent western commentator said, "Muslim scholars insist that nothing in Islam is incompatible with technological advance or industrial development. In the days of the caliphs, Islam led the world in scientific and intellectual discoveries. The Muslims, however, objected vehemently to those aspects of modernization that led to the breakdown of the family, and produced other social and moral evils. Anwar Ibrahim head of the Malaysia's Islamic Youth Movement once remarked, does modernization mean having liquor factories? If so, then we are against modernization. Does modernization mean electronic factories? Then we are for modernization. There is nothing in Islam against development, but such a development must have moral basis". It must be just not exploitative.
- 66 Albert Hourani, *Arabic Thought in the Liberal Age 1798-1939* (London: Oxford University Press, 1967), p.92.
- 67 Khayr al-Din al-Tunisi, *The Surest Path*, translated by Leon Carl Brown, (Cambridge: Harvard University Press, 1967), p.74.
- 68 *Ibid.*, p.73.
- 69 *Ibid.*, p.77.
- 70 *Ibid.*, p.82.
- 71 *Ibid.*, p.123.
- 72 Leon Carl Brown, "The Religious Establishment in Husainid Tunisia" in *Scholars, Saints and Sufis*, Nikki R. Keddie (ed.), *op.cit.*, p.48.
- 73 Afghani published this periodical from Paris in 1884. The Life of this periodical was short because only 18 issues of it were published.
- 74 cf. Nikki R. Reddie, *An Islamic Response to Imperialism: Political and Religious Writings of Sayyid Jamal-al-Din Afghani* (Berkley: University of California Press, 1968), p.62.

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- 75 *Ibid.*, p.64.
- 76 Afghani defended philosophy, because in the contemporary Ottoman empire, it had been completely excluded from the curriculum of the religious schools. Basgoz and Wilson say, "Every discipline which recognized free discussion and thought was accused of heresy and dropped from the curriculum as being philosophy and therefore at cross purposes with religious orthodoxy."  
cf. Frank A Stone, "The Muslim Faith and Reason Discussion and Its Implications for Islamic Education", *Muslim World*, Vol.LX No.6, October, 1970, p.314.
- 77 Nikki R. Keddie, *op.cit.*, p.53.
- 78 *Ibid.*, pp.55-57.
- 79 Muhammad Abduh probably fits into the definition which Sir Hamilton Gibb has given of the modernist apologetic. He says, "This then is the task before the modernist. The primary function of the modernist apologetic, it must be repeated, is to restore faith in Islam among doubting Muslims by demonstrating the supreme excellence of their religion. Its second function is to persuade the old fashioned Muslims that they, by their social conservatism and their stand on the letter of the law, are sinning against the light. *Modern Trends in Islam*, (New York, Octagon Press, 1975), p.95.
- 80 The Qur'an, ii:27.
- 81 C.C. Adams, *Islam and Modernism in Egypt* (London: Oxford University Press, 1933), p.135.
- 82 The Qur'an, ii:251.
- 83 cf. Malcolm H. Kerr, *Islamic Reform: The Political and Legal Theories in Muhammad Abduh and Rashid Rida* (Berkeley: University of California Press, 1966), p.130.
- 84 Sir Hamilton Gibb, *Modern Trends in Islam*, *op.cit.*, pp.119-120.
- 85 The Qur'an xiii:12 Sir Hamilton Gibb has captured the spirit of this Qur'anic line when he asks the orthodox circles of modern Islam to realize their responsibilities. He says: If this is to be realized, however, the Muslim faith will have to show that it possesses the strength and vitality to generate these antitoxins, mainly out of their own resources, but not excluding the possibility of adapting some of the constructive elements of western thought in place of its destructive romanticism. The future of Islam rests where it rested in the past-on the insight of the orthodox leaders and their capacity to resolve the new tensions as they arise by a positive doctrine which will face and master the forces making for disintegration. Sir Hamilton A.R. Gibb, *Modern Trends in Islam*, p.122.
- 86 cf. M.A Zaki Badawi, *The Reformers of Egypt* (London: Croom Helm), pp.55-56.
- 87 cf. Albert Hourani, pp.140-141.

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- 88 Maxime Rodinson says, “For instance, one cannot maintain that the Muslim religion is a total invariant. It has varied over the centuries, and this is recognized by Muslim thought itself, since it currently uses such notions as *ihya* (revival) *tajdid* (renovation) and reform. If Islam needs to be periodically revived, reformed or renovated it is because it has fallen prey to torpor, archaism and various deviations which call for correction.” *Marxism and the Muslim World* (London: Zed Press, 1972), p.12.
- 89 cf. Benjamin Rivalling and Joseph S. Szyliowicz, *The Contemporary Middle East: Tradition and Innovation* (New York: Random House, 1965), p.161.
- 90 Malcolm H. Kerr, *op.cit.*, pp.111-112.
- 91 Kalim Siddique, *Conflict, Crisis, and War in Pakistan* (London: Macmillan, 1972), p.9.
- 92 *Ibid.*, p.10.
- 93 V.A. Smith, *The Oxford History of India*, Part III, rewritten by Percival Spear, (Oxford: Clarendon Press, 1967), p.804.
- 94 *Ibid.*, p.805.
- 95 P. Hardy, *The Muslims of British India* (Cambridge University Press, 1972), p.98.
- 96 *Ibid.*
- 97 *Ibid.*
- 98 *Ibid.*
- 99 cf. M. Mujeeb, *The Indian Muslims* (Montreal: McGill University Press, 1967), p.448.
- 100 According to Percival Spear, Sir Sayyid firmly believed “that the essence of Islam was consistent with the best that the West had to offer. He was, in fact, a Muslim modernist appealing to general principles out side the scope of the four recognized schools of theology. He accepted the mission of the Prophet and God’s revelation in the Qur’an. But he claimed that Reason was also an attribute of God and Nature his handiwork. The Qur’an and Islam might, therefore, be interpreted on the basis of reason to meet the modern needs and problems. The achievements of the West, so far as they rested on reason, might thus be welcomed and assimilated.” In his synthesis of Islam and the Western contemporary thought, he did not find much difficulty because Christianity and Islam had many similarities in their spiritual background.  
cf. V.A. Smith, *The Oxford History of India*, Part III, p.804.
- 101 Kalim Siddiqui, *op.cit.*, pp.9-10.
- 102 P. Hardy, *op.cit.*, p.101.
- 103 M. Mujeeb, *op.cit.*, p.449.
- 104 P. Hardy, *op.cit.*, pp.95-96.
- 105 M. Mujeeb, *op.cit.*, p.449.

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- 106 Hugh Tinker, *India and Pakistan: A Political Analysis* (New York: Frederick A. Praeger. 1962), pp.19-20.
- 107 Percival Spear, *India: A Modern History* (Ann Arbor: The University of Michigan Press. 1972), p.409.
- 108 Kalim Siddiqui, *op.cit.*, p.11.
- 109 Aziz Ahmad, *Studies in Islamic Culture in the Indian Environment* (Oxford: Clarendon Press. 1964), pp.55-56.
- 110 *Ibid.*, pp.57-58.
- 111 *Ibid.*, p.56.
- 112 G.F. Van Gunebaum, *Islam: Essays in the Nature and Growth of a Cultural Tradition, op.cit.*, p.108.
- 113 *Ibid.*, p.219.
- 114 Asif A Fyzee, *Outlines of Muhammadan Law* (London: Oxford University Press, 1964).
- 115 Asif Ali Asghar Fyzee, *A Modern Approach to Islam* (London: 1963), p.50.
- 116 *Ibid.*, pp.95-104.
- 117 cf. Aziz Ahmad and G.F. Van Grunebaum, *Muslim Self Interpretation in India and Pakistan 1857-1968* (Wiesbaden: Otto Harrassowitz, 1970), p.199.
- 118 *Ibid.*, p.200.
- 119 *Ibid.*
- 120 Asif Ali Asghar Fyzee, *A Modern Approach to Islam*, p.109.
- 121 The Qur'an, 2: 136.
- 122 Asif Ali Asghar Fyzee, *ibid.*, p.111.
- 123 A.K. Brohi, *Islam in the Modern World* (Lahore: Publishers' United, 1975), p.281.
- 124 cf. A.K. Brohi, *op.cit.*, p.289.
- 125 *Ibid.*



### *Modernity and Muslim Fundamentalism*

Islamic revival or resurgence is an established reality of the contemporary world. It is a matter of deep interest to humanity because its repercussions both inside and outside the Muslim lands are very widespread. It is estimated that at least one fifth of the human race at present profess the faith of Islam. Nearly a billion Muslims are found in seventy countries out of which at least in 55 they are in majority.<sup>1</sup> After World War II, Islam has spread with much greater speed than any other religion on the continent of Africa. It is said that twenty-five years ago, one in four, but today perhaps one in three, Africans were Muslims. According to some accounts, by the end of the century more than half the population of Africa would be Muslim.<sup>2</sup> But in spite of this phenomenal increase in the number of the Muslims, and galloping significance of religious revivalism, the attitude of the non-Muslim world, particularly the West, continues to be dictated by traditional antipathies and prejudices.

According to Bernard Lewis, "This recurring unwillingness to recognize the nature of Islam or even the fact of Islam as an independent, different, and autonomous religious phenomenon persists and recurs from medieval to modern times."<sup>3</sup> He points out that in history the Western writers and observers have adopted different methods to give expression to this attitude. For centuries the followers of Islam were called Saracens, a term of very suspicious etymological roots, and which has nothing to do with religion. Later when the Iberian Peninsula was conquered by Muslims, since they came from Morocco, Europeans called them Moors. After this no matter if they met a Muslim from Ceylon or the Philippines, he was called a Moor. Same thing happened with the Turks after they conquered much of the Eastern Europe. It has been recorded that for a long time after this historical episode, anyone who was a Muslim was automatically called 'Turk', even if he was a

convert from the untouchables of India. Even terms like Muhammadans and Muhammadanism are misnomer, because the Muslims never nomenclature their religion with the name of their Prophet. Since the term Christianity was derived from the name of its founder, they applied the same formula to Islam. The Christian historians further multiply confusion when they compare Qur'an with the Bible, the mosque with the Church, and a Muslim religious scholar with a Christian priest.<sup>4</sup> Even more distorted is the image that the West has often projected of a Muslim in the observations and writings of Western tourists and travellers. G.H. Jansen gives a graphic account of this distorted image by saying, "The image that the Western observer could take away from his contemplation of this vast, turbulent, unsettled area is one of precarious unease and violence; of strange bearded men with burning eyes, heretic figures in robes and turbans, of blood dripping from the stumps of amputated hands and from the striped backs of malefactors, and piles of stones barely concealing the battered bodies of adulterous couples."<sup>5</sup> Recently, *The Manchester Guardian*, a reputable newspaper, carried a heading, "Islam and the Swathe of Just-ability" and *The Time* captioned a cover story with a title "Crescent of Crisis."

Albert Hourani is of the opinion that in spite of the increasing need for the study of Islamic history, not enough attention is being paid in the institutes of higher-learning in the world, to generate sufficient body of scholarship that would spread the true meanings of the message of Islam among the people. In his estimate, perhaps not more than 20 universities in North America are giving courses above the level of the elementary survey of the doctrine. Another 40, in his opinion, can be added from Western Europe and the Middle East. The present number of scholars who are entirely devoted to the study of Islamic history, in his opinion, does not exceed 200 to 300. Even this number is ineffectual in its impact, because they are so widely scattered around the world, that they seldom get a chance to coordinate their efforts, or cross-fertilize their thinking through frequent conferences or international seminars. This intellectual isolation of the Islamists from each other is a major barrier to creative methodologies that are urgently needed for advance research in Islamic historiography and Qur'anic studies.<sup>6</sup>

The academic and intellectual non-challenge of the West towards Islam, and the persistent effort to malign it in the light of shop-sailed clichés spread by certain Orientalist, constitute the biggest impediment to the proper understanding of Islam. Islam is unquestionably very different from other religious doctrines, because even after fifteen hundred years, it still exercises a hypnotic effect on the spiritual and emotional life of

the teeming millions of people. Five times during the day countless numbers of them gather in mosques around the world to bow before God, and renew their faith and loyalty to the religious doctrine which, in their opinion, is the only way to human salvation. No matter what is the state of human civilization an average Muslim remains steadfast in his attachment to the faith which he believes is the surest and the most dependable path for happiness both here and here after. It is due to this deeply entrenched fidelity to the faith among the Muslim masses that governments in Islamic countries, regardless of their ideological frame of reference, or institutional network cannot afford to do anything against the religious sentiments of their subjects. Bernard Lewis while elucidating the importance of Islamic revivalism has made the following comments:

From the foregoing, certain general conclusions emerge. Islam is still the most effective form of consensus in Muslim countries, the basic group identity among the masses. This will be increasingly effective, as the regimes become genuinely popular. One can already see the contrast between the present regimes and those of the small alienated, western-educated elite which governed until a few decades ago. As regimes come closer to the populace, even if their verbiage is left wing and ideological, they become more Islamic. Under the Battiest regime in Syria, more mosques were built in three years after the Jaysh al-Shab incident than in the previous thirty.<sup>7</sup>

In modern Islamic history, the most pertinent and eloquent example of Islam's tremendous ability to resist a secular system is Turkey. Ataturk and his colleagues reshaped the ideological orientation of the nation to secularism with undiminished gusto, but their success was very limited, because the moment government's control was relaxed there was a sudden upsurge of popular sentiments of devotion to Islam. Orhan M. Ozturk and Vamik Volkan have described this phenomenon in the following words:

There is no doubt that Ataturks' revolution in secularizing the state has been successful, but outside the circle of a minority of intellectual people, Islam still remains at least as a "soft ideology". The multi-party system and the free elections since 1945 have brought into focus problems associated with the religious sentiments of the people. The intellectual republican youth, with Ataturks ideals, have been rather displeased with the exploitation of religion by the politicians during elections. A yet uncompleted study shows that while there were only 11 religious associations and teaching institutions in 1946, this figure rose to 7000 in 1960 and to 14,239 in 1968.<sup>8</sup>

The speed with which Islamic revival has engulfed the Muslim world, and the depth with which it has penetrated even the ranks of the educated classes has completely stunned foreign observers who had been nurtured on the idea that Islam, due to the spread of Western education and the growing influence of Western ideologies, had abandoned some

of its fundamental principles. The post World War II, history of Islamic regeneration has totally falsified this notion. Regardless of the ideological commitment of the regimes, millions of Muslims are seeking solution to the complexities of modern life in religion. Flora Lewis says,

And yet in Cairo, in Tunis, in Algiers, the capitals of three very different regimes taking different approaches in the search for better life, young women are reverting to the veil, young men are deciding to go bearded, the mosques are crowded as never before.

The aspect of Islamic revival that has been the cause of the greatest anxiety to the non-Muslim scholars is that more and more of the youth in every Muslim society are gravitating towards religion with ever-increasing devotion. In universities and other institutes of higher learning students with puritanical proclivities dominate the important student bodies. In most cases it is almost impossible to hold any function which the religious circles may deem un-Islamic. Activities like music and concerts, and dramas often lead to riots among various factions of the students. Even at places where the fundamentalist groups are in minority, they are very assertive and exercise a considerable influence on the student politics. The Western life-style which had so much attraction for young men and women in the early sixties is disappearing fast from Muslim societies. There is an open revolt against westernization and the minds of the people are pulsating with anxiety to make religion once again the sole beacon light of their life. There is a growing demand for more religious discipline, and a rising expectation that the rulers should abide by the principles of Islam, curb moral lawlessness, excessive materialism, and must adopt effective measures against domination of the Western culture. The fundamentalist student's organizations have the advantage over other student associations, because even if protest meetings and other poetical activities are banned in the country, they can always use mosque for the vindication of their views before the public. Even the most repressive regime cannot ban sermons and prayer meetings in the mosques.

History of human civilization provides eloquent testimony that middle classes have always been the heralds of major revolutions. The latest of them was being the industrial revolution of the West which completely turned the course of world history during the nineteenth century. Many observers feel that acceptance of fundamentalism by the middle classes in the Muslim lands has given today's religious revival a similar type of revolutionary propensity. Jansen says,

The lower-middle classes are among the most devout, not to say fanatical elements of the Islamic society. The clerks and small shopkeepers are the most fervent supporters of fundamentalist and reform movements in the

partially urbanized societies of Indonesia, Pakistan, Egypt, Iran and Turkey. Both in the very heart of fashionable Cairo and in the industrial estates, roads are blocked as the faithful overflow across them for the Friday noon prayers.<sup>10</sup>

The important element of the present day Islamic revivalism is that it is geared to problem solving. It is not merely a romantic or nostalgic worship of an ideal. The revivalist or Islamists are thoroughly convinced that the principles of Islam are pragmatic, and their potency and effectiveness have remained undiminished. They have no doubt in their mind that the charges levelled against Islam are baseless. It is neither static nor inimical to adaptation. The writings of all the leading Islamists in every Muslim land indicate that they have undertaken a great historical mission, to prove that their devotion to Islam stems out of pride and not fanaticism, and the revolution that was initiated by the Holy Prophet and his companions has lost none of its pristine attributes as a progressive ideology. It is still capable of being replicated, and one would not be surprised that under competent and knowledgeable leadership it may again change the course of history. Desmond Stewart says,

But today's Muslim idealists are no longer fanatics of the fringe. They are in step with a movement which straddles the globe from the Philippines to the Sahara. As a result in part of the Iranian revolution and in part of the West's loss of confidence, modern Islam seems poised for as dramatic an intervention in history as the contemporaries of the Prophet.<sup>11</sup>

In the beginning we mentioned that the Western observers and commentators of Islam have been grossly in different or blatantly ill-informed about the true meaning and purpose of the Qur'an. It was this attitude that made the term Orientalism so nauseating to the Muslims. It would be wrong to assume, however that all Western Orientalist judged Islam through preconceived notions, or built-in prejudices. There were always among them certain sincere and honest analysts of Islam's historic role as a revolutionary movement that tried to find a permanent cure against the periodic moral and spiritual erosion of the foundations of human civilization. They realize that Islam provides its believers a superior code of conduct, a better plan of life, a more coherent and equalitarian sense of Justice, a balanced understanding of the problems of society, an abiding faith in the goodness of man, and an enduring mission to remove from the scene of human existence the scars of petty and ignoble tyrannies. Count Leon Ostrong says,

I shall surprise a good many readers when I assert that the faith of Islam is not a fanatical religion, if by fanaticism be understood an ardent desire to proselytize, joined to an irresistible impulse to persecute, to annihilate those who persist in refusing to open the eyes to what is believed to be the true light.

Moslem history may be searched in vain for anything like the Crusade, for institutions even remotely suggesting of the Inquisitions. Islam is not fanatical it is proud.<sup>12</sup>

Similarly, R.C. Zaehner, Professor of Eastern Religions at Oxford says,

there is no criterion by which the gift of prophecy can be withheld from him unless it is withheld from the Hebrew prophets also. The Qur'an is in fact the quintessence of prophecy. In it you have, as in no other book, the sense of an absolutely overwhelming Being proclaiming Himself to a people that had not known him.<sup>13</sup>

This and the similar kind of statements are now becoming more frequent in the observations of the Western scholars, but considerable amount of work still needs to be done, before the inclement intellectual climate in the West against Islam can be dispelled. It would require more honest research, and widespread dissemination of the achievements and contributions of Islam towards the betterment of humanity.

The present-day regeneration of Islam is labelled by many Muslim and non-Muslim scholars as a destabilizing element in the contemporary politics of the Muslim countries.<sup>14</sup> This conclusion has been drawn from the revolutionary strategies of many Islamists which often result in violence and terrorism. This is an impression which is often created by fundamentalist movements like Ikhwan al-Muslimeen in Egypt or Fidayan-i Islam in Iran. The leaders of Islamic revivalism today are convinced that Islamization of society would not be possible without effective control of the political machinery of the country. The fundamentalism of modern times is an activist and militant ideology. Among other things, its proponents are convinced that simply preaching Islam from the pulpit is not enough. This is not the message of the Qur'an., nor was it the intention of the Holy Prophet, that religious obligations would be fulfilled, if people were taught effectively from the pulpit in the mosque by some learned theologian who hearkened them to do good deeds and develop moral excellencies. Islam is more than a code of morality or a catalogue of rituals meant to purify human soul and spirit. It is a manifesto for a complete social order, and is expected to guide the community in every area of organized activity. It is difficult to maintain a social order without a recourse to political activity. Therefore, the leaders of the most of the revivalist movements are engaged in the power struggle of their respective countries. Sayyid Qutb has explained this point as follows:

If Islam is to be effective, it is inevitable that it must rule. This religion did not come only to remain in the corners of places of worship, not merely to find a place in the hearts and consciences of men. It has come that it may govern life and administer it and mould society according to its total image of

life, not by preaching or guidance alone but also by setting of laws and regulations. It has come to translate its doctrines and theories into a system and a way of life.<sup>15</sup>

In other words, Islam cannot be an effective force in the life of the people unless it is implemented by a machinery of the government. Sayyid Qutab once remarked, "There is no Islam without government, and no Muslims without Islam."<sup>16</sup> The doctrine of Islam is a creative phenomenon. It is a dynamic movement of ideas that need to be actualized in the life of the Muslims as they go around handling practical affairs of life.

The matter which makes the modern fundamentalist groups desperate is the slow pace of change in the outlook of the leaders. This makes them impatient, and when they disagree with the basic policies of their secular rulers, they often resort to violence. Accumulated frustration often makes them angry, and they indulge in violent protest and agitation. They repose undeviating faith in the validity of the basic principles of the Qur'an and would not tolerate any compromise on it. Moreover, Islam has a long history of religious commotion. A student of the intellectual and theological history of Islam is familiar with the sectarian differences that often destabilized the Muslim kingdoms. Since Islam allowed difference of opinion as a legitimate and inescapable phenomenon of human life, and permitted freedom of expression, every period of Islamic history witnessed the ever-increasing number of doctrinal conflicts among sects and groups which sometime became powerful movements whose tremors continue to shake the ideological plateau of Islam even today. Some of them were subversive and geared to violence, while others were reformative and peaceful in their activities.

In other words, Islam has a long history of revolutionary movements and ideological militancy: Very early the Muslim community was divided on the question of succession to the headship of an Islamic state. The adherents of Shi'a doctrine reposed faith in personality, while the Sunnis followed rigidly the direction provided by the principles of the Qur'an. For the Shi'as no other person except Ali and his descendants had a claim to the leadership of the community both here and hereafter. All other individuals no matter how close they were to the Holy Prophet were debarred from this privilege. The Sunnis, on the other hand, widened the circle of eligibility, by giving the elitist groups *ahl al-hall wal-aqd* to select any individual who in their opinion, possessed the requisite qualities. The nomination could later be ratified by a popular *bayah*. The two points of view remained irreconcilable, although the Sunni point of view remained overwhelmingly popular among Muslims

in every land except Iran. The two sides maintained a militant attitude towards each other, and it caused considerable amount of political turmoil during various periods of Islamic history. Another revolutionary movement of early Islamic history was the *Khawarij* that emerged about twenty-five years after the death of the Holy Prophet. (The term *Kharji* means an outsider or a seceder). During the caliphate of Ali, a group of radicals withdrew their loyalty from Ali because the caliph had submitted his dispute with Muawiyya to arbitration. They would not accept any arbitration or judgement except that of the Qur'an. They also added to this uncompromising attitude the elective principle and insisted that political process in Islam was fundamentally democratic. In their political philosophy the *Khawarij* legitimized violence against those who differed from them and unhesitatingly adopted radical means to achieve their objectives. Both the Shi'as and the Sunnis remained suspicious of them, and they always remained an extremist minority in every Muslim kingdom. Today, only a microscopic remnant of them are left in Algeria, Tunisia, Oman and East Africa.

Another movement, which though predominantly intellectual but had political overtones, was the emergence of *Mu'tizilah* during the Abbaside Caliphate. Its protagonists were deeply committed to empirical investigation, and speculative thinking, and they started attracting public attention during the eighth century of Christian era. Their basic philosophical thrust was to reconcile revelation with reason. Another powerful group which relied heavily on intellectualism as a tool to the understanding of the true meanings of the Qur'an, and the mysteries of the universe were *al-Ikhwan as-Safa* who lived during the ninth and tenth centuries. Their *Rasail* constitute an impressive reservoir of knowledge regarding various sciences. The *Ikhawans* belonged to the *Ismaili* branch of the Shi'as, and as such their approach was extremely radical. The *Ismailis*, during the decline of the Abbaside rule, had created a climate of terror and became a source of constant political convulsion in various parts of the caliphate. The *Ikhwans* worked in extreme secrecy, and fearing popular disapproval of their doctrines, the writers of these Epistles did not disclose their identity. Their contents give clear indication that the authors showed keen interest in social problems and through allegorical exercises uncovered the evils and bankruptcy of despotism. Their political philosophy was of Shi'a origin, therefore they were always preaching the need for the existence of an infallible *Imam*. Combined with this their faith in freewill and change, the writer of the Epistles and vehemently denounced of the traditional belief system of the conservatives.<sup>17</sup>



When one takes into account the above mentioned revolutionary currents of Islamic history, the present-day convulsive religio-political spectacle of the Muslim world would not seem to be so surprising. In fact, even a cursory glance can show that some of the contemporary religious and political movements have close similarities with the strategies that characterized movements like *Khawariji*, *Mu'tazilah* and *Ikhawan-al-Safa*. In their puritanical fanaticism, devotion to the literal meanings of the Qur'an, and belief in the legitimacy of violence, the followers of Hassan al-Banna were generally compared to *Khawarij*, although the *Ikhawan al-Muslimeen* of Egypt persistently denied this charge. Similarly, some observers have discerned a clear resemblance between the *Mu'tazilah* of the past and the modernists of today. Like the *Mu'tazilah*, the modernist have been trying very hard to harmoniously blend reason and revelation into a successful working partnership. The two resemble in their emphasis on the rationalist interpretation of the principles of the Islamic doctrine, and their views on freewill and predestination are also similar. The *Mu'tazilah* saw no harm in borrowing knowledge from outside the boundaries of Islam, and the same is true of the modernists who have no hesitation in emulating elements of Western thought and philosophy. In fact, this cross-fertilization of different philosophical traditions is considered to be very healthy for the rejuvenation of Islamic civilization. And lastly, the commentators are not far from truth when they find similarities between the indictment of *al-Ikhawan as-Safa* of the beliefs and practices of the orthodox circles and the present-day condemnation of the ulema by both the Islamists and reformists of modern Islam.

The genesis of contemporary Muslim fundamentalism is generally traced back to the rise of Wahabism in Saudi Arabia during the eighteenth century. To begin with it was simply a call to Puritanism. Its primary objective was to eliminate from the religious doctrine those superstitions and un-Islamic practices which had contaminated its purity. During the twentieth century, inspired by the reformatory zeal of Abduh and Afghani, the fundamentalism took the form of the *Salafiyyah* movement of Rashid Rida. Philosophically and in terms of their frame of reference the *Wahabism* and the *Salafiyyah* hearkened the Muslims in the same direction. Both conceived primeval Islam a perfect religious doctrine, a *din al-fitrat* which is incomplete harmony with the needs and requirements of human nature. There was, however, one important characteristic that distinguished *Salifiyyah* and *Wahabism*. The *Salafiyyah* wanted to blend modern humanism and religion, while the proponents of *Wahabism* remained geared to strict orthodoxy and staunch conservatism. Rashid Rida the founder of the *Salafiyyah* was

also more revolutionary in his approach. He was always critical of the “fossilized Jurisconsults” and frequently advocated the use of modern sciences and technology, and his constant pleas for opening the doors of *Ijtihad* was also something which did not fit into the program of Islamic revivalism as envisioned by the *Wahabis*. Therefore *Salafiyyah* more than *Wahabi* movement would be a forerunner of the present-day fundamentalist movements. It was Rashid Rida who used for the first time the nomenclature of *al-hukumat al-Islamiyyah* for an Islamic state. Rashid Rida’s reformed fundamentalism preaches return to Islamic idealism, which is untainted and free from prejudices and distortions. For him a modern Islamic state is a constitutional entity, where the political process is inspired by the Qur’an, the Traditions of the Prophet and the experiences of the *Khulaf-i-Rashidun*. In his opinion *Ijtihad* is a religious obligation, and in an Islamic state the public policy is wholly devoted to the welfare of the people. The head of state himself would be a *Mujtahid*, who aided by a group of *as-haab al-hal wal-aqd* would keep people on the path of *Shari’yyah*. The ruler would be the architect of public policy, in which *Shari’yyah* will always have an overriding authority. The character of the head of state would be spotless and unblemished. Hamid Enayat, an Iranian political scientist, has summed up Rashid Rida’s views in the following words:

Having said all this, the fact remains that Islamic state as perceived by Rashid Rida is far from being an all-powerful system regulating every detail of the social, political and cultural life of Muslims. Whether because of some obscurities and contradictions in his scheme, or an underlying conviction that a religious prescription of the totality of human life is impossible in the modern age the main conclusion from his outline is the “parallel existence of a religious and political state, despite the emphasis on the former and the condemnation of the latter.”<sup>18</sup>

But it would be a gross oversimplification to find genesis of such a powerful movement as Islamic revivalism in the writings of a single individual, particularly when such a movement has global ramifications in nearly fifty-five countries of the world. To examine its origin in greater depth, it would be in the fitness of things to understand the main current of religio-political thought that engulfed the Muslim world during the last hundred and fifty years. It would also need assessment of the certain psychological and sociological forces currently rampant in the world that seem to have helped fundamentalism to become such a powerful factor in the social and political life in every Muslim society. Before, however, we turn to the analysis of the important causes one has to keep in mind, that the upsurge of Islamic revivalism is primarily a reaction to the general decadence of Islamic civilization. In every area of human activity, the Muslims are backward and retrogressive. Politically

the rising tide of European imperialism during the nineteenth century had left them ship-wrecked. Socially after centuries of stagnation, the Muslim society looked like a confusing mosaic of strange customs and practices which had nothing to do with religion. Economically, millions were sunk deep in poverty and depression, and archaic institutions like feudalism and despotism, had completely devitalized the creative faculties of the people. In religion, the spectacle was even more depressing. The religious ideology which was dynamic and progressive had been stagnating for centuries, and the ulema in their seminaries, and mystics in their monasteries, were leading a life that was questionable strict from the point of view of religion. Shakaib Arslan has listed fifteen different causes for the decay of Islamic civilization. They are:

- (1) The Muslim's neglect of the Qur'an;
- (2) The Muslim ulemas' neglect of the study of science;
- (3) Satisfaction with religion in its apparent forms while neglecting its inner truth;
- (4) Despair in God's loss of Islamic confidence;
- (5) Muslim servitude to Europeans and the loss of Islamic confidence;
- (6) Muslims conspiring with Europeans against other Muslims;
- (7) loss of the spirit of sacrifice for the good of the *ummah*;
- (8) Muslims refraining from learning from Europeans;
- (9) Decline in the general morality;
- (10) The corruption of the ulema;
- (11) The superiority of the Europeans;
- (12) The spread of ignorance among Muslims;
- (13) Lack of the renewal of the educational program;
- (14) The excess absorption in thought about the hereafter;
- (15) The imperialist missionary propaganda.<sup>19</sup>

These causes, however, can be divided into certain broad categories on which most Islamists tend to have a consensus.

The general opinion among scholars of modern Islam is that imperialist domination of the Muslim world during the nineteenth and the first half of the twentieth century was an important factor that ignited the spark of Muslim fundamentalism for the first time in modern history. For religious circles of all shades of opinion, the Christian West was a land of infidels, and for a Muslim to live under the rule of an infidel was to say the least impious and against the canons of Islam. The ulema discerned in it a positive threat to religion, culture and civilization of Islam. The imperialists were held responsible for sowing the seeds of disenchantment towards religion among the educated class and they were also the ones who destroyed the universality of Islam by dividing the Muslim world into small sovereign entities whose ranks were divided by chronic bitterness and hostility. Muhammad Qutb says,

The future belongs to Islam – yes – the imperialist Crusaders have spent all they can to destroy it – They crumbled the Muslim world into small nations – They took hold of each nation separately and kept it from its brother and raised enmity and tension between them – In all religion was separated from society and religious law from life – They established an educational policy

that put a distance between budding youth and the source of the religion- They were successful in separating Muslims from their faith.<sup>20</sup>

Even a cursory glance over the world of Islam could give hat all religious uprisings during the nineteenth century had political overtones, and many of them were primarily directed against the imperialist penetration of the West into the Muslim lands. The ulema of Iran led rebellions against such imperialist ventures as the Reuters Concession of 1872, the opening of the Karun River in 1888, the Imperial Bank of Persia, the Tobacco Concession of 1890-92, and the manipulations of the Russian Banque des Prets from 1900 onwards.<sup>21</sup> Iran was a cockpit of imperialist intrigues no doubt, but the imperialists were not able to actually occupy the country. The case of the decadent Ottoman Empire, however, was totally different. Many of its possessions like Egypt and Arabia constituted the oldest land-bridge between the East and the West. The occupation of these lands was very essential for the European colonial powers to protect their route to Asian Colonies.

The first important religious revolt against European imperialism during the nineteenth century in the Muslim world was led by Abd-al-Qadir in Algeria. The French design to occupy the country met with stiff resistance, and it took them nearly forty years to quench the opposition. The moving spirit of this opposition was Abd al-Qadir, a religious divine who had unleashed a powerful movement for religious revival. He hearkened his followers to rise above the tribal friction and put up a united front against the French. In a recent account, a commentator has said that Abd al-Qadir “knew how to concentrate around himself the scattered forces of Arab nationality — it was against an entire nation, inspired by the double fanaticism of patriotism and religion that the war had to be waged.”<sup>22</sup> The French used all the barbarous methods to conquer the dauntless spirit of Jihad that Abd al-Qadir had generated among his disciples. General Bugeaud who commanded the French expeditions, on one of his visits home, declared, “we have burnt a great deal and destroyed a great deal. It may be that I shall be called a barbarian, but as I have the conviction that I have done something useful for my country. I consider myself as above the reproaches of the press.”<sup>23</sup> The inevitable result of such repression was bitterness in the minds of the native population which lasted throughout the French occupation in Algeria. In 1847, Abd al-Qadir gave up his resistance and was arrested. During the next three decades, there were several rebellions, particularly the one in 1871 was very fierce and about 80,000 French soldiers had to be engaged. But by 1880 the country was declared peaceful and the Europeans could flock there safely.

Although Abd al-Qadir was basically a nationalist and his primary objective was to emancipate his native land from foreign domination, but his entire approach was that of a Muslim millenarian who was looking forward to the creation of a true Islamic society governed by the laws of *Shari'yyah*. He proclaimed himself the *Imam*, received oath of allegiance from the faithful and promised to defend the religion against foreign inroads. He declared his fight against colonialism — a *Jihad* — incumbent upon every Muslim and for that end he raised an effective war machine, and wrote a code of conduct which concluded with a description of his own personality, character and mission.<sup>24</sup> The code declared:

The Imam cares not for this world, and withdraws from it as much as his avocation will permit. He despises wealth and riches — He rises in the middle of the night to recommend his own soul and the soul of his followers to God — He is incorruptible — Thus brave, disinterested, and pious, when he preaches, his words bring tears into all eyes, and melt the hardest hearts. All who hear him become good Mussulmans.<sup>25</sup>

In spite of his political ambition, the major thrust of his ideological crusade was to bring back the misguided Muslims to the fold of true Islam, which emphasizes uprightness, egalitarianism, valour, piety, and undeviating faith in the truth of the Qur'anic message.

There is a general agreement among the foreign commentators of Islam, that it is only religious doctrine that, even after centuries, in times of crisis can ignite among its followers an overwhelming zeal to fight for its defence and preservation. After the beginning of the nineteenth century, because of the rapid political and ideological penetration of the West, the world of Islam had to pass from crisis to crisis. The result was that in every Muslim land, the believers rose with remarkable unity and solidarity to fight back the alien inroads on their religious and cultural life. Even in the remote territories like the Caucasian highlands, when the Russian armies advanced to conquer them, the Muslim rallied around in the name of religion and started a movement called *Muridism*. The term *Murid* means the followers, and since most of them followed *Naqshbandi* mystical brotherhood the movement itself came to be known as *Muridism*. Their power in due course increased to an extent that they overawed many Dahistani tribes and forced them to join in Jihad against the Russians. Between 1830 and 1859, they fought dauntlessly against the mighty Tsarist forces with valour and tenacity and demonstrated beyond a speck of doubt that even after centuries of decadence, Islam still possessed tremendous ideological potency to generate lasting self-confidence among Muslims.

The natural outcome of the European imperialism was a powerful intellectual and cultural penetration of the West that further alerted the fundamentalist circles about the gravity of the situation. As the foreign rulers sat in the policy-making chambers to shape the future of their newly acquired possessions, their greatest priority was to adopt an educational policy that would change the cultural dimensions of the Islamic civilization. They had inadequate understanding and very poor opinion about Islam. Their minds had been nurtured on the reports of the Christian missionaries and the misrepresentations of some leading Orientalist. In their opinion the Islamic doctrine was inimical to change and modernization. They were very unsparing in their criticism of practically the entire social and moral philosophy of Islam. They were encouraged because through their educational reforms they had been able to introduce Western thought and philosophy in schools, colleges and universities, and within a short period, they were able to produce Westernized intellectual elites who were convinced about the superiority of the Western civilization and showed no hesitation in emulating the social and intellectual style of their rulers.<sup>26</sup> The most important aspect of this cultural transformation was the disenchantment against religion that started sinking deep into the minds of the educated classes.<sup>27</sup>

In the beginning, the achievements of the West in science, technology, rationality and material prosperity stunned the people of the conquered Muslim lands so much that many of the religious leaders were also carried away by this wave of enthusiasm. In every religious institution, one could see a small circle of reform — oriented theologians who were willing to borrow from the West any skill or ideal that in their opinion was not repugnant to Islam. In the Western notions freedom, constitutionalism, rule of law, equality and justice, they found the conceptual framework which had close affinity to the objectives of the Islamic ideology. The landmark figure in this matter was obviously Muhammad Abduh the *Mufti* of Egypt, whose many interpretations of the religious doctrine were used by modernizing elites in every Muslim land to import Western ideas. But even at the height of the popularity of Westernization, the bulk of the ulema remained bitterly hostile to it. It would be unfair to attribute their hostility entirely to their hidebound traditionalism and pathological fear of change. Many of them had genuine concern about the disruptive influence of the indiscreet borrowing from the West. The large-scale destruction of the traditional institutions they feared was not a signpost of progress. It has unhinged many social structures of the society, which were not been replaced with anything that could meet the expectations of the people. In the midst of this social and moral hiatus, the greatest sufferer in their opinion was

Islam. William Polk has described the apprehensions of the ulema in the following words:

The impact of the West, whether the result of actions by Europeans or by modernizing Middle Easterners, resulted more in the destruction of institutions and old balances between resources and expectations than in the creation of new institutions and balances. But of course, it was long before intellectuals in the Middle East were able to formulate their fears of this disruption. Essentially, the question posed to those who would protect their way of life was how to recoup the strength of the East in order to protect it from the West.<sup>28</sup>

In other words, the damage to the traditional outlook, according to the puritan groups produced an ideological vacuum. Westernization first began in the Ottoman Turkey and Iran, and those who took up this cause, focused their attention initially on the reform of the military alone. But once this influence started penetrating into the ranks of the army, it was very difficult to limit it to the men in uniform only. These men became catalytic agents and took modernization in every nook and cranny of the society. Politics, social life, economic institutions, values, norms and even religious ideals came under considerable strain due to alien influences. Muslim society has always been riddled with sectarian fragmentation, but Westernization brought in its train new kinds of cleavages which polluted the entire social climate. Educated classes, who were expected to provide leadership to the masses, got divided into several antagonistic camps.

These traumatic changes frightened the religious circles, and produced deep-seated horror of Westernization. Edward Atiyah has commenced that “the revolt is not against oppression of colonialism, economic exploitation and injustice, but primarily against Europe’s spiritual arrogance, racial haughtiness, social aloofness and paternal authoritarianism.”<sup>29</sup> They found Europe’s mechanical and artificial civilization morally repugnant, and to save themselves from the infection of this global virus, they tended to seek protection behind Islamic ideals which in their opinion were still relevant and efficacious. This is the kind of attitude among the new generation of Muslim Islamists which Daniel Lerner has characteristically labelled as a crisis between “Makkah versus Mechanization.”<sup>30</sup> It is for this reason that Fuad Ajami, while commenting on the Islamic Revolution in Iran says, “Reduced to its essence, Khomeini’s ideology was pure wrath directed less against dictatorship than against cultural surrender.”<sup>31</sup> Sayyid Qutb, one of the most outstanding fundamentalist of modern Egypt has captured his impression of the Western civilization as he saw it in America in these words:

I do know how people live in America, the country of the great production, extreme wealth, and indulgent pleasure — I saw them there as nervous tension devoured their lives despite all the evidence of wealth, plenty, and gadgets that they have. Their enjoyment is nervous excitement, animal merriment. One gets the image that they are constantly running from ghosts that are pursuing them. They are as machines that move with madness, speed and convulsion that does not cease. Many times I thought it was as though the people were in a grinding machine that does not stop day or night, morning or evening. It grinds them and they are devoured without a moments rest. They have no faith in themselves or in life around them.<sup>32</sup>

These anti-West sentiments emerged like a powerful tidal wave among volatile millions of the Muslim lands and produced equally strong reaction from the west against Islam.

The revival of Muslim fundamentalism has generated varied kinds of reactions in the Christian West. Some foreign observers who are eternally prejudiced against Islam, looking at the immeasurable wealth that the oil-rich Muslim Arab states have accumulated feel that the Muslims,

without adopting any of the principles and practices which are meant to bring about progress (thrift, hard work education, democracy, liberalism) or renouncing any of those which are meant to impede it (religious obscurantism, cruelty, oppression, corruption, sloth, etc.) — are poised to inherit the world.<sup>33</sup>

In their opinion, the entire Muslim world is united in their contempt for the Western gods of materialism and new morality, and think that the West has become politically impotent and morally decadent. The critics further point out that the West itself is to be blamed for this kind of impression. They argue that western cowardice, and unwillingness to effectively use economic and military options available to them, has helped the Muslim Islamists to strengthen their militancy. This is a penalty which they are paying for their guilt-complex. They further add that it is,

needless to say, this impression of Islamic power and Western impotence is only a delusion, since if the West chose to use its economic strength — let alone its military strength — it could break the weapon without the slightest difficulty. But such is the West's condition of guilt — post colonial on the part of Europe and post- Vietnam on the part of the U.S. — that it does not choose to do so, thereby encouraging Islam to believe once again in its own destiny — For to encourage resurgent Islam to assume that it can get away with what amounts to a new style Jihad without its militancy being met by ours, this would be to condemn Christendom to an ignoble fate, as much invited as deserved.<sup>34</sup>

The new generation of Muslim revivalists are equally strong in their denunciation of the moral and material corruption of the West. Imitation



of the West, in their opinion, is an act of submission to the infidel civilization, quite unworthy of a true Muslim. It is also an indication, they think, that Islam has weakened, and as such the Muslims must bow before the Europeans who are rich, powerful and technologically advanced. An awareness of this kind is very agonizing for a true fundamentalist and it increases his sense of loss of the past glory and bitterness about the present situation. He declares himself to be a revolutionary, but the anatomy of his revolution is different from the one commonly associated in the Western literature. It is not a revolution but restoration. A Muslim, in order to stay Muslim, must faithfully adhere to his own spiritual and cultural heritage. He hearkens his coreligionists that in order to salvage themselves from the quagmire of difficulties, they must learn to cope with responsibilities in the light of the Qur'an the Sunnah of the Holy Prophet. If they do so, the leadership of the world will again fall into their custody. Only verbal homage to this ideal is not sufficient. Spiritual commitment to Islam must be translated into action.<sup>35</sup>

The modern Muslim fundamentalists are not simply fighting Westernization by warning the Muslims against the importation of ideas that are patently un-Islamic. They paint the transfer of Western ideas as a spectacle which is harrowing and threatening. Using some kind of social Darwinism, they portray struggle between Islam and the West as a clash of cultures, an inevitable culmination of a long drawn historical movement. Their biggest complaint against the secularists is that they have been lulled and tranquilized into some kind of intellectual torpor or trance by myth of liberalism of the capitalist West and tinsel and superficial equality and universalism of Marxism. In their opinion, the Muslims must change their attitude towards Westernization and need to consider any move on the part of the Western nations to influence the minds of the Muslims as a premeditated cultural invasion that must be stopped. A typical presentation of this view can be found in the writings of an Arab fundamentalist, Muhammad Jalal Kishk. In his *al-Naksa wal-Ghaz wal-Fikri* (The Setback and the Cultural Invasion) he has provided a graphic account of this cultural invasion of the West. He criticizes the radical Arab intelligentsia for their crass misunderstanding of the Western civilization. He points out they fail to discern that behind its catchy slogans of freedom and cosmopolitanism, there is a *ruh-al-salibiyyah* directed to sap the very foundations of Islam.<sup>36</sup> Even Marx, he tells us, only wears a mask of universalism and humanitarianism. At heart he is a typical Westerner imbibing in his philosophy the same failures and weaknesses that have characterized the capitalist civilization of the West. About Marx he says:

Marx did not call for a new civilization. He is a faithful son of Western civilization, who formed his theory out of German philosophy, French socialism and English political economy — Marx believed in the values and the history of Western civilization; he was proud of that history which he considered as a triumph for humanity on its way to its final victory. He considered the crimes of Western civilization an historical necessity and did not trace those crimes to the philosophy of that civilization but rather to economic necessities.<sup>37</sup>

Muslims antipathy towards Westernization has been attributed to two factors. French philosopher Claude Levi-Strauss points out that there is a built-in intolerance in Islamic doctrine, and it is unable to establish a workable rapport with others. He and the like-minded commentators of modern Islam developed this thesis particularly after the Islamic revolution in Iran, when Imam Khomeini and his followers unleashed at the Western civilization the severest attacks in modern history. Levi-Strauss said,

The truth is that contact with non-Moslems distresses Moslems. Their provincial way of life survives, but under constant threat from other lifestyles freer and more flexible than their own, and which may affect it though the mere fact of propinquity — This great religion is based not so much on revealed truth as on an inability to establish links with the outside world. In contrast to the universal kindness of Buddhism, or the Christian desire for dialogue, Moslem intolerance takes on an unconscious form who are guilty of it; although they do not always seek to make others share their truth by brutal coercion, they are nevertheless (and this is more serious) incapable of tolerating the existence of others as others.<sup>38</sup>

Most Muslims would disagree with this kind of estimate about Islam. There is nothing new about it. It is only a restatement of the same prejudices that characterized the writings of many Orientalist in the past. Fuad Ajami feels that the second factor that produces present-day resistance of Islam to Westernization is a product of the ambivalence of a defeated civilization. In his opinion, defeated civilizations tend to shy away from modernity, and instead of answering the questions raised regarding traditional norms, they sink and hide themselves in their own cocoon.<sup>39</sup> The true understanding of the hostility of modern resurgent Islam against Western civilization however would be possible only if we bypass the utopian ideals of some of the Muslim millenarians, and the stereotypes of most of the Orientalist about the ultimate message of Islam.

The bankruptcy of leadership and the resulting ideological crisis have been acknowledged as major causes for the rise of Muslim fundamentalism.<sup>40</sup> In the history of Islam, the ulema have always opposed the ruling elites. In other words, the political leaders in the past had always to encounter serious opposition from powerful religious

scholars who objected to their policies because they were contrary to the spirit of Islam. The point that we are trying to elucidate is that the tradition of puritanical revolt against the established order has a long history in Islam. Because of the increased responsibilities of leadership in a modern welfare state, the intensity and gravity of this opposition has multiplied a great deal. In fact, every third world country is passing through a revolution of rising expectations which often, due to the administrative inadequacies and deficiencies in political leadership, turns into a revolution of rising frustrations, and has been one of the major causes of de stabilization. This is practically the fate of every new state that has attained independence after World War II. In the case of non-Muslim states, the forces of unrest generally stem out of endemic poverty, social and tribal rivalries, and the general backwardness of the society. In a Muslim state along with these factors religion is also listed as one of the critical dimensions of social and political restlessness. During the fight for independence, the nationalist movements were often led by western educated secular elites; but in order to win support of the Muslim masses, they relied heavily on the religious leaders, promising them that after the dawn of independence, the legal, social, economic and moral institutions of the nation would be completely overhauled in the light of the Qur'anic injunctions. But once the independence was attained, the ruling elites forgot their promises to the religious classes. After getting control of the machinery of the government they either avoided the issue or suppressed the fundamentalist movements by charging their leaders with the conspiracy against the state. This brazen betrayal of promises infuriated the religious classes and the leaders became militant and subversive.

Another aspect of the situation which makes the political elites in the Muslim world so vulnerable to attack from the religious groups is the question of legitimacy. It is an indisputable reality that rulers in many Muslim lands have failed to create after independence a firm constitutional base that could provide the political process a permanent source of legitimacy. And by alienating leading ulema who lead the fundamentalist movement they have further blurred their legitimacy, because in a Muslim state *ijma* of the ulema, has always been considered a cardinal element in the legitimacy of the Muslim rulers. The inadequacy of legitimacy is aggravated by poor selection of decision-makers, clogged communications, unbridled personal ambitions of leaders, over-centralization of power-structures and absence of a competent middle class leadership. It is a matter of common knowledge that even if the top leadership is extremely competent, social systems do not function effectively if the middle level of leadership is bankrupt. The

problems of leadership in a Muslim state are also complicated by another factor. Islamic ideology is transitional, and even today after territorial nationalism of Western style is firmly entrenched in the Muslim world, typical orthodox circles continue to believe that Islamic *ummah* is one and Muslim nations have a religious obligation to mobilize all their resources for closer ties in every area of international activity. The result is that the performance of the ruling elites is not only judged by what good they have done towards the internal economic and social uplift of the country but also by the policy they have formulated to increase amity, goodwill, and friendship among the Muslim states.

Sometimes the misleading concept of "Charisma" is applied to the analysis of politics in a Muslim state. According to the available psychological connotations of a charismatic personality, it means the authority by an individual, who, no matter whether he is tyrannical, benevolent, progressive or retrogressive, carries the bulk of the population in a country with him. He casts a kind of psychic hypnosis on the minds of the people by his rhetoric. He rules with the promises that his policies would fulfil the fundamental needs of the masses. The story of charismatic leaders of the twentieth century provides ample testimony that the so called charismatic leaders have seldom been able to achieve their inflated objectives.<sup>41</sup> First, we have to note one thing that role of a pure personal charisma in a Muslim society is very limited. Strictly from the point of Islamic theory, the greatest touchstone of the legitimacy and authority of a ruler is his piety and knowledge of the laws of *Shari'yyah* and his desire and ability to create a moral and social climate in the society so that the common people could mould their lives according to the dictates of the Qur'an. This is fully testified by the facts of the modern history of Islam Ataturkism, Nasserism, Bathism, and Bourguibism which were a product of the Western notions of charisma had only a temporary success. All of them are very unlikely to have a permanent mark on the future of Islam.<sup>42</sup> The reason being that all of the above mentioned leaders were not able to get the requisite legitimacy that would win for them loyalty of the religious classes, which as mentioned earlier have always played a very decisive role in the process of legitimating in a Muslim society.

Another failure of the leadership in the Muslim world has been the absence of any coherent and creative economic plan that would alleviate the ever-growing pain and anguish of poverty among the masses. Prior to World War I and during the inter-war period, much of the Muslim world was under colonial domination, and the foreign rulers had almost negligible interest in the economic welfare of the natives rural communities continued to live under absentee landlordism, under whose

tortuous grip the toiling peasantry could barely make both ends meet. Teeming millions of them were subjected to chronic deprivation, disease, and illiteracy. During the struggle for independence, due to the increasing hostility and suspicion of the colonial authorities and growing lawlessness, the economic hardship of the poor were further aggravated. Ataturk in Turkey and Reza Shah Pehlvi in Iran used their enlightened dictatorship to introduce plans of economic development for their respective countries, and in Syria, Lebanon, Palestine, Iraq, and Jordan the Mandatory powers introduced some modicum of industrialization and in Egypt also similar steps were undertaken to ameliorate the economic lot of the people. It was, however, after World War II, when Mandates in the Middle East were liquidated, that the nations in the Middle East, a vital region of the world of Islam entered a period of planned economic development. But the planning in most cases was so lopsided, that whatever benefits flowed from it were not evenly distributed over the whole society. In Turkey and Iran the series of Five Year and Seven Year Plans strictly from the point of view of economic progress turned out to be only exercises in futility. In the Arab countries, the war in Palestine and the creation of the state of Israel, diverted public attention entirely away from social and economic problems.<sup>43</sup> Moreover, governments in many of these countries were dominated by the influential rich, and the class differences based on material possession instead of being narrowed by steady economic growth, were further widened. While conditions in the urban areas due to the windfall profits of merchants and industrialists improved a little bit, but in the villages, where bulk of the population lived, situation continued to deteriorate.<sup>44</sup> Most foreign observers have construed that the continued poverty of the Muslim world, particularly in the Middle East, is not due to the lack of resources, but to the uneven distribution of wealth.

To remedy this situation, the Arab world was for some years at least swept by two powerful ideological currents called Nasserism in Egypt and Bathism in Syria and Iraq. Both ideologies had their roots in Western secularism, nationalism and socialism. On May 21, 1962, the late President Gamal Abdel Nasser, at the inaugural session of the National Congress of Popular Powers presented a Draft of the Charter in which he tried to elucidate some of the fundamentals of his revolutionary doctrine. He defined it in terms of freedom, socialism and unity. He declared,

political democracy could not be separated from social democracy and it cannot exist under the domination of any one class. Democracy means, even literally, the domination and sovereignty of the people — the entire people. Because of their monopoly of wealth, reactionary interests are bound to clash with the interest of the whole people. Consequently, the peaceful resolution

of class struggle cannot be achieved unless the power of reaction is first and foremost deprived by all its powers.<sup>45</sup>

Bathism is an ideology which was adopted by Hizb al-Bath al-Arabi al-Ishtiraki (The Arab Renaissance Socialist Party) organized by a small group of Syrian intellectuals in 1940. Although it originated in Syria, but it rapidly spread in Iraq also. The ideology is patently secular and emphasizes unity, freedom and harmony. It is deeply committed to Arab Nationalism, and socialist economy. Its proponents take great pride in its revolutionary propensities, and demand the dismantling of every vestige of traditionalism from the Arab lands. Secular parliamentary democracy and decentralized administration also constitute some of its basic principles. Most of the thinking of its founder Michael Aflaq is derived from such European thinkers as Hegel, Fichte, Garibaldi, and Marx.<sup>46</sup>

Both Nasserism and Bathism, however, with all their sky-licking hopes and aspirations failed to achieve their objectives. Nasserism, came to a sad end, because it had no solid ideological substance. It was only a part of that cult of personality that surrounded Nasser for some years, and the moment due to domestic and international failures, his charisma started fading, Nasserism also sank in oblivion. Whatever was left of it was undone by his successor Sadaat, who was very critical of his predecessor. The prospects of Bathism were also wrecked by its successive failures in Jordan, Iraq and even in Syria. The Bath party was plagued with confusion from the beginning and its leadership was often weakened by internecine feuds and cleavages. These weaknesses were multiplied by an additional factor that the Party's organizational machinery was very poor and totally inadequate to meet the gigantic challenges of rapid modernization. In the rest of the Middle east, the massive accumulation of oil money in small and underdeveloped states has been baneful and disruptive in its impact on the socio-economic fabric. The traditional pattern of social relations lacked shock-absorbing capacity to sustain the stunning transformation of society. The result is that both the oil-rich states and their other Muslim client states are suffering from an unbalanced economic growth. There is no effective control mechanism to act as a safety valve against gross mal-distribution of incomes. This has led to glaring class conflicts generated by rising inflation and conspicuous and wasteful consumption by a handful of *novo-riche* and a new western educated political elites.<sup>47</sup>

The conditions in the rest of the Muslim world were also nearly the same after World War II. In size and population, though not in resources, Pakistan and Indonesia are giants among the Muslim nations. But they too have been suffering from chronic economic ailments, which do not

allow the leaders of these countries to evolve viable fiscal institutions that would reduce the strains of poverty from the masses. The first decade of Pakistan's existence that became independent in August 1947, was a period of political instability, war with India, and the prolonged agony of constitution-making that blanketed the nation with ever-deepening frustration. Every sector of national life was jolted by an imbalance in the economic growth, personal ambitions and short-sightedness of the ruling elites. Raunaq Jahan says,

In the case of Pakistan, as we shall see, a disequilibrium arose in the development of the country's different sectors, i.e. in economic development, modernization, state-building and nation-building. The failure to develop adequate nation-building policies, in spite of success in other sectors, endangered the viability of the state.<sup>48</sup>

The politics of the nation was fragmented among ethnic, tribal and sub-national groups, whose unending rivalries made institution-building almost an impossible task. This situation of confusion further aggravated because the ruling elites were not prepared to share power with other groups whose support was so essential for the mobilization of the masses towards modernization. The yawning economic, social and cultural disparities between the two wings of the country could only be narrowed by concrete efforts and dedicated leadership. In the absence of such a leadership, the gulf of estrangement between East Pakistan and West Pakistan continued to widen and the nation seemed to be drifting towards the unplumbed depth of moral and material degradation. This led to the first military coupe in 1958 under General Ayub Khan and the country had its first taste of martial law. In his political autobiography, Ayub Khan described the state of affairs which led to the military's direct intervention and the immediate objective of his regime in the following words:

The immediate objective was to rehabilitate the civil and constitutional organs of the state. They had become ineffective and oppressive through misuse and exploitation and needed the protection of Martial Law to recover their original sense of purpose so as to be able to operate within a constitutional framework.<sup>49</sup>

The achievements of Ayub regimes were highly publicized, but a careful examination will show, that they were not so glamorous as they were portrayed to be. In fact, some economists estimated that industrial growth before his era was much greater and faster than under him.<sup>50</sup> In the realm of politics Ayub's scheme of Basic Democracy on which he built the superstructure of his 1962 Presidential system, was labelled by some foreign observers as Baffer's Democracy.<sup>51</sup> Even in terms of law enforcement the efficiency of the government deteriorated considerably.

In 1961, according to official statistics, there were some 61,458 riots, averaging about 17 per day. During the first decade, before the rise of Ayub Khan in spite of democratic inefficiency the annual average of riots was 5202, while during Ayub's Martial Law, it rose to 5528.<sup>52</sup>

Like almost every other state of the third world, Pakistan attained statehood without even touching the threshold of nationhood. The country was plagued with deep-seated parochialism, based on language, ethnicity, culture and provincialism. The efforts expended by the rulers during the first decade were only a futile exercise in papering the cracks. Ayub and his advisers in speeches and statements highlighted this issue and in January 1959, the Bureau of National Reconstruction was established, "to coalesce all the divergent linguistic, sectarian, and social groups into a single cohesive nation."<sup>53</sup> At ideological level the regime was unquestionably secular. Although Islamic ideology was not excluded from its scope, the theme was kept at very low key. Although the Bureau was established with tremendous fanfare a lot of funds and a powerful organizational machinery but there was no tangible evidence to show that the movement was a success. Firstly, its activities had no impact on the rural areas. The centres of the Bureau were in big cities, and even after several years provincialism did not show any discernible decline. Various types of rumours were circulating about the purpose of the Bureau among the people. Some thought it was a den of leftist intellectuals who had been hired to brainwash the people towards secularism; other labelled it as a camouflaged offshoot of Central Intelligence to keep an eye on the potentially dangerous elements in urban areas.<sup>54</sup>

When the Ayub era was about to end, the country seemed to be on the edge of another abyss. As mentioned before, economic growth was gradually slackening corruption both at the political and administrative levels had increased. Basic Democracies as an instrument of legitimacy of the Martial Law had failed, and the Guided Democracy as embodied in the Constitution of 1962 sounded suspicious and the attainment of nationhood seemed to be still far away. Karl Von Vorys had philosophically summed up the catastrophic collapse of the Ayub era in the following words:

These observations focus upon the crucial vulnerability of guided democracy. The danger is very real indeed that such decline in control could not be absorbed by the government and that it would dissolve in chaos. Alternatively, intimidated by what appear to be severe reverses even a military commander who sincerely strives to convert his own hegemony into the control of representative institutions will slacken the pace of his program and will seek refuge in coercion. He may find himself gradually but almost irresistibly drawn into the whirlpool of regression that can terminate only in a



corrupt and authoritarian rule with little interest and prospect for political development. To guide a program along the narrow and unmarked road which avoids both these pitfalls requires the scarcest commodity in newly independent states (or in the world for that matter) a truly extraordinary measure of statesmanship.<sup>55</sup>

In short, the failure of the elites can easily be listed as one of the major causes for the rise of Islamic fundamentalism. Their policies failed to meet the challenge of people's expectations. The disenchanting and bewildered masses, whose political and social grievances go unnoticed, find no other alternative except religion to which they can anchor their hopes. Moreover, in times of difficulty, nostalgia for the past among people increases manifold. When control over present-day realities starts slipping out of their hands, men have a universal tendency to recall the days gone by with undiminished yearning. The present seems deficient in every respect, and in order to alleviate the pain and anguish they glorify the past with ever-increasing gusto and enthusiasm. No culture, whether from the East or the West and regardless of the fact whether it is advanced or backward, is free from this tendency. This could be fully explained by what happened in the Arab world, after the Arabs had suffered a stunning defeat at the hands of Israel in 1967. Most of the observers agree that the pace of resurgent Islamic fundamentalism was accelerated a great deal after, what the Arabs describe as *nakba* (disaster) under these circumstances. To hearken the Arab Muslims to seek asylum from the "unflattering reality" with the glorious past was not so difficult. Like Muslims in other parts of the world, the Arabs had kept a luminous image of their past greatness. For centuries roving poets had moved from village to village, reciting versified glories with all the poetic embellishments and imagery. Under the impact of the defeat this nostalgia became more romantic and militant. The radical Arab intellectuals like Sami-al-Jundi realized that their earlier confidence of smashing the tradition was fake and misplaced.<sup>56</sup>

The debate between Islam and modernity is an old one, but after the Arab-Israeli war of 1967, the intensity of the controversy became a very critical dimension of the stability and peace of the Muslim lands in the Middle East. The radical Arab intellectuals tried to make political capital out of this defeat against Islam. They argued that the Islamic doctrine and its spiritual tributaries like mysticism and asceticism had paralyzed initiative and determination of the Muslim masses. They had become lethargic, politically impotent, and morally incapacitated against a force that was equipped with the latest science and technology. Fuad Ajami says,

The attempt of the radicals to link Islam with the defeat did not go uncontested. Indeed, Islamic Islamists made an eloquent and moving case of their own and turned defeat into a pretext for religious revivalism. They argued that the Arabs had lost the war not because they were busy worshipping as the radical caricature would have it – but because they had lost their faith and bearings.<sup>57</sup>

Another factor which has pressed the fundamentalist religious circles of Islam to mobilize the resources of their influence for self-defence is the persistent effort on the part of the secular rulers to kill the traditional autonomy of the religious institutions. For centuries the ulema had held the monopoly of education and legal institutions, and they also managed mosques and controlled religious endowments. The new ruling elites who were bent upon breaking the power of the clerical class made drastic changes in the management of these institutions. The result was that as Western legal and educational institutions were implanted, the ulema lost much of their power and influence in society. This often resulted in gruesome tussle for power between the secularists and the Islamists. This kind of struggle has been witnessed practically in every Muslim society in modern times. In this case the most pertinent example would be the relationship of the Free Officers in Egypt after the revolution of 1952 and al-Azhar the oldest and the most revered theological centre of learning in the entire Muslim world. Reform of al-Azhar had been in the limelight of Egyptian politics since the end of the nineteenth century, but the ulema who presided over this powerful fortress of orthodoxy resisted successfully every change both in curriculum planning and administration. Even the famed religious reformer Muhammad Abduh could not introduce any change in the thinking of the ulema of al-Azhar. Therefore, one is not surprised that when Nasser came to power, reform of al-Azhar was among his top priorities. In 1954, he appointed Abd al-Rahman Taj, a Sorbonne educated and supposedly Westernized Shaikh as Rector. But Shaikh Taj, though educated in the West, was a staunch conservative and he opposed many of the governmental policies. He died in 1958, and the government appointed Mahumud Shaltut as the head of al-Azhar. The new appointee was a reformist whose ideas coincided considerably with those of the Revolutionary Council. Under his guidance certain major changes were introduced in 1961. A special Ministry was created to implement these reforms. The graduates of al-Azhar were academically placed at par with graduates of all other secular institutions in the country. The title of the Rector was given a more religious aura by changing it into “The Grand Imam and Shaikh-al-Azhar. The composition of the Higher Council that administered the University was changed to accommodate some civil servants appointed by the government. The Islamic Research Academy

consisting of fifty members became a part of the governmental machinery. The Institute of Islamic Missions was also established to train missionaries who would spread the message of Islam around the world. al-Azhar was divided into several colleges such as Islamic Studies, Arabic Studies, Business Administration, engineering, Agriculture, Medicine and Industry. This was the first time in al-Azhar's long history that the state had interfered so forcefully into the affairs of this world famous university of Islamic theology. Many leading ulema resigned as a protest and those who remained became state functionaries. In other words, religion was made an arm of the government.

Similarly, among other factors that strained the relations between the Nasser's regime and Ikhwan al-Muslimeen in Egypt was the issue of the autonomy of the religious institutions and the question as to who had the ultimate authority to manage them. The same was true of the fight between the leaders of the Islamic revolution in Iran. The late Shah realized that the power of the clergy in his country stemmed from their control over the financial resources of the religious institutions to which the masses in general were still deeply attached. The most critical stage of struggle between the Shah and the clergy was reached when the government stopped, the grants which were annually paid to religious institutions. In Pakistan, another bastion of Muslim fundamentalism, various governments since the inception of the new state in 1947, had been adopting the same kind of measures to force the religious classes to relinquish their control of big mosques, tombs of the saints, and *awqaf*. They are all now being managed by government agencies. A section of the Pakistan ulema has always questioned the government's right to do so, although not with the same militancy as in Egypt and Iran.

And lastly, various analysts of the Islamic resurgence since the end of World War II have concluded that those who are stunned at the spectacle have not studied Islamic history properly. In their opinion, such militant religious revival is a cyclic phenomenon of the Muslim history. It generally appears in times of social and political crises. Each time the community finds itself in turmoil, and bewilderment, Muslims have always made a determined effort to fasten their destiny to the anchorage of religion. It rejuvenates the decaying batteries of their enthusiasm for social betterment, national unity and economic uplift. There is no doubt the Muslim *ummah* has never been confronted with greater challenge and a bigger crisis than the one it is facing today. First, it was the challenge of European imperialism that ignited in the religious circles a feeling that their humiliation was due to the fact that the Muslims had deviated from the straight path. Then came the scourge of Western ideas in the form of secularism, atheistic socialism, militant nationalism and other moral

vices that threatened to decompose the ethical ideals of Islam. These facts coupled with poverty and intellectual and scientific backwardness created very ghastly spectacle. There have been crises before, in fact the history of Islam has been a sorry tale of crisis after crisis, but the one which has engulfed the Muslim world today is unquestionable more serious in magnitude and implications. The present-day Islamists who are struggling to impress upon their coreligionists that return to the pristine principles of Islam is a panacea to salvage them from difficulties they are enmeshed, find several examples in history when rallying under the banner of Islam saved the Muslims from tyranny and disaster. Very early in Islamic history when the Umayyads established a despotic and corrupt rule, the Abbaside propagandists mobilized popular support in the name of Islam and successfully unseated the tyrants from power. In more recent history of Islam, during the later half of the nineteenth century, Mahdi of Sudan defeated the combined forces of Britain and Egypt with only a small band of religious zealots. Richard Dekmejian has summed up the Islam's capability to activate itself as a weapon of renaissance and instrument of revolt for the believers in the following words:

In evaluating the current Islamic resurgence, several myths and misconceptions must be discarded. As a religion and a way of life, Islam has never been dormant. Despite two centuries of Westernization and modernization, Islam is a vibrant and dynamic faith; it provides a growing number of communicants with spiritual reinforcement and comfort at a time when other religions and ideologies have lost their missionary zeal. Because of its totalistic nature, Islam has resisted the encapsulation that has become the fate of Christianity in the Islamic revivalism have occurred cyclically, typically in response to crisis situations, when the Islamic ummah erupts with a passion of militant Puritanism and self-renewal. In such crises, Islamic revivalism became "a medium of salvation" for the dispossessed masses.<sup>58</sup>

After having briefly examined the causes of the rise of Islamic resurgence, in the world of Islam, we need to turn to some of the cardinal principles that are shared by nearly all shades of opinion in this powerful religious revival of the modern history. It is taken for granted that all leading exponents of traditionalism firmly believe that Islam as it was introduced by the Holy Prophet through the revealed word of God and his Sunnah constitute the last message of God to mankind, and complete adherence to it is incumbent upon all Muslims. Any deviation or distortion of the guidelines provided by it is deemed grossly sacrilegious.

To create conditions in which Muslims would be able to practice Islam, the community needs a competent leadership. The ideal of leadership in this matter is portrayed from the character and achievements of the Pious Caliphs who were the companions as well as the immediate successors of the Holy Prophet. The Islamists, however,

have slight differences of opinion regarding the applicability of the social philosophy, code of ethics, and principles of statecraft propounded by the Pious Caliphs in modern times. Some traditionalists conclude that the ideals that governed the life of the people during the early Caliphate were products of unique circumstances. All that happened then could not be repeated in exactly the same manner. It can only inspire and activate Muslims to maximize goodness in their life. Sayyid Qutb, the most outstanding religious thinker of the Ikhwan al-Muslimeen movement in Egypt, disagrees with such a view. He is of the opinion that the political and social philosophy of the Pious Caliphate is beyond the regimentation of time. It is applicable universally. In other words, the organization of community at Medina was a unique experience, but the model it created was valid for all times.<sup>59</sup>

Like the rest of the Third World countries, the Muslim societies are suffering from the pain and anguish from which every social system suffers when it moves from traditionalism to modernity. This phase of the growth of a society is characterized by certain glaring deficiencies. The ruling elites and the middlemen become demonstrably rich overnight, while the teeming millions remain condemned to poverty and deprivation. The use of public authority as an instrument of plunder becomes common, and corruption becomes the order of the day. It is very difficult to govern a society like these abstract theories of Liberalism, Marxism and Socialism. It needs a sociological and ideological incubation. A successful incubation like this needs a powerful emotional thrust. No other ideology ignites human emotions faster than religion.

All revivalists are in complete agreement that all Muslims today need to give Islamic interpretation to history. In their opinion, spirit of Islam has been undermined by the intellectual imperialism of the West. The Muslim historians whose minds have been secularized emulate Western methods of historiography, and are guilty of the same misunderstanding and the same distortions that have characterized the writings of Orientalist. Their main objective seems to be to uncover only the wars, schisms, and sectarian squabbles that have raked Islamic history. In the midst of this confused mass of half-truths, they tend to miss completely the spiritual and intellectual dimensions of the Islamic civilization. This has generated the erosion of confidence among young Muslims, and their faith in their own cultural heritage has been shattered. This inferiority complex, they point out, is the biggest barrier to the ideological rejuvenation of Islam.

The mind of fundamentalist is haunted with a unique sense of history. He is very critical of those who label him retrogressive and conservative. In his opinion past and present are the two facets of the same reality and without their proper integration, the future would remain foggy and beclouded. He agrees with Nicholas Berdyaev who said,

History invites two elements, the creative and the conservative. The historical process would not be possible without their union. By the conservative element I mean a tie with the spiritual past, an inner tradition, and an acceptance of the sacred heritage of the past. But history also demands a dynamic creative element, a creative sequence and purpose, an urge for self-fulfilment. Thus, the free audacity and the creative principle coexist with an inner tie and a profound communion with the past. The absence of either of these elements invalidates the postulates of history.<sup>60</sup>

All shades of opinion among the Islamists agree that past glory, a sense of pride, particularly if the community had a lustrous past with remarkable intellectual, scientific, artistic and ethical achievements constitute the most important elements of national strength. In short, history is a very vital dimension of national identity.<sup>61</sup>

It is because of the rapidly increasing importance of the past due to religious revivalism, that practically all Muslim writers and scholars devote so much of their time and energies in uncovering the historical perspectives of the issues. They need their sense of history to be reactivated constantly. Moreover, there is ample historical evidence to show that the message of Islamic civilization is the culmination of the entire spiritual heritage of mankind. Since the days of Crusade, the Christian West has been trying hard to destroy Islam, physically, intellectually and spiritually. All these attacks, however, would be blunted if they, the Muslims, remain steadfast in their faith and keep the Qur'an as the only beacon light to guide them.

During the nineteenth century, and even today, the primary intellectual thrust of the leading Orientalist is focused on the thesis that Islam is a hidebound doctrine, and inhibits its followers against change. It is labelled as a package of static theological discussions. Therefore, the Islamists who have taken upon themselves the responsibility of rejuvenating Islam in modern times are making every possible effort to dispel this misconception. They are trying to prove that religion of Islam and its philosophy of history are dynamic and progressive. There is nothing in them that could be called inimical to change. Anwar al-Jundi an Arab scholar says,

Islam in its true understanding is a 'way of life' and a large frame for a comprehensive and complete ideology that links man with God, the universe and life. Islam in the movement of history is neither the Muslim state nor is it

Islamic civilization or the Arab nation, except insofar as it is related to that Islam itself. Islam appears through its history as a ‘living being’ which has two wings — thought and civilization, which renews its cells and passes through periods of strength and weakness. Its constant movement is ever-forward, as is the nature of a living being.<sup>62</sup>

There have been stagnant periods of Islamic history; but that in no way is an indication that the doctrine itself is not dynamic enough to keep pace with the changing times. Al-Jundi believes that at no stage of the development of Islamic civilization the need for the study of Islamic history was as important as it is today.<sup>63</sup> The reason being that today, because of the shrinking of the distances of space and time, the interaction between the world of Islam and the West has increased tremendously. It is very difficult to check cross-cultural fertilization of ideas and philosophies. In the midst of all this there is a positive danger that Islamic thought would also be contaminated. Therefore, unless the Muslims understand contemporary issues and problems and also have a thorough comprehension of their own history, they would easily fall prey to innovation. Islamic history is built around an idea or a message that is eternal and universal. Al-Jundi says,

The movement of Islamic history from its dawn until today is a progressive comprehensive movement. In it is personified the ability of motion, resistance continuation, and depth and the defence against every effort to stop or delay it. In its history is exemplified the capacity for a constant awareness and responsiveness to civilizations and cultures.<sup>64</sup>

The principle of movement is the cardinal feature of Islamic history. The Jihad itself is an eloquent testimony that Islam enjoins upon its believers to strive constantly and maintain an unbroken continuity in their efforts to improve and develop.

The review of the literature of the other leading fundamentalist shows practically the same trend. It emphasizes the universality of the Qur’anic message, and the belief that this message is deathless, and even after it has sunk in the abysmal depth of decadence it has the built-in potency of revival. That is the meaning of Islamic history which Sayyid Qutb has discerned in the Qur’an, and the philosophy of Islam as it is found in the Traditions of the Holy Prophet. He says,

If it were ordained for the Muslim world to die, it would have died during the long centuries it had passed through, while charred and in a state of exhaustion and inaction — it would have died right after it had lost its zeal and slept — giving Western imperialism, then young, the opportunity to get the most of the world — what was it that preserved for this nation its latent vitality after long centuries of sleep and inaction, of abatement and weakness, of pressure and subjugation, of hateful occupation which spent every effort to sunder its limbs and smother its breath? It is a strong and deep doctrine, this

doctrine which imperialism was unable to kill despite intellectual, spiritual, social and political efforts on the part of imperialism.<sup>65</sup>

Sayyid Qutb also seems to be in agreement with other Islamists that the mission of Islam is to provide propulsion towards progress in every avenue of human existence. History of Islam furnishes abundant proof that it is an ideology that inculcates continuous movement. It is not bound by precedent or tradition no matter how sanctimonious it is. Among its most pertinent lessons is that the creative forces unleashed by it must demolish all distinctions between man and man. It also preaches man to view life in totality.

Sayyid Qutb has no doubt in his mind that this kind of attitude would not be cultivated unless Islamic history is rewritten. It is difficult:

to conceive of the possibility of studying the total Islamic life without a complete understanding of the spirit of Islamic doctrine, the Islamic ideology of the world, of life and of man, also that nature with which the Muslim responds to this doctrine and the way he responds to life in general.<sup>66</sup>

A Muslim historian of today is under deep obligation to internalize the spirit of the Qur'an, and distil the essence of factors that operate behind battles, political squabbles and international diplomacy in Islam. All this, however, is to be examined in the light of world history. To Sayyid Qutb's analysis, another modern revivalist Abd-al-Rahman al-Hajji, adds another dimension that portrays Islam as a concrete manual for practical life. Therefore, if Islamic revival is to have any effect in real life, the Muslims must learn to understand their history in its true spirit. Each deviation that has taken place from the straight path needs to be highlighted so that while searching for solutions to modern problems, they can avoid the pitfalls. Moreover, historians who do not have full comprehension of the Islamic theology will not be able to do full justice to the history of Islam. And another matter that deserves serious attention is that Islamic history should be studied as a history of complete and compact civilization whose vital religious and cultural components are closely interlinked.<sup>67</sup> The same thesis has been summed up by Jamal al-Din Khalil in the following words:

History in the Qur'an becomes unified time – the walls that separate the past, the present and the future collapse and the three times commingle in a common destiny – This fast movement between past and future, between present and past, between future and present clarifies the effort of the Qur'an to remove the boundaries which separate time and show it as a contiguous living unity. This movement of history which encompasses creation becomes one movement beginning with the day of God's creation of the heaven and the earth and moving towards the Day of Judgement. The Islamic interpretation of history is different from other interpretations because it



gives great leeway to the unknown (*ghayib*) factor, past, present and future, and makes it one of the fundamental principles of the faith.<sup>68</sup>

In essence, the message of all revivalists is that those who are striving to resolve the nerve-wrecking problems of modern life must turn their attention to the Qur'anic view of history. There are laws in it which are immutable, and that can help to understand the rise and fall of all civilizations. The Qur'anic exposition tries to prove that the history of mankind resolves around the eternal struggle between good and evil. The Qur'anic interpretation history is illuminated with divine perception and it is comprehensive, and "through the study and analysis of it man can better understand both the ethical and the technological factors relevant to the establishment of a socially and morally advanced Islamic society today."<sup>69</sup> A Syrian scholar has described the devotion of the Muslims to the resurgent Islam in these words:

In its strategy to displace the regime, the MBM (the Brotherhood) has been using the same tactics which were applied by the Muslim guards in Iran to bring down the Shah. The chanting of hymns at dawn and the teaching of religion on the minarets loudspeakers throughout the day represent an impressive campaign of mass political socialization. For the first time in Islamic history, women are invited to the mosques in special sessions to receive Islamic education. The government has imposed restrictions on the means and times when religious instruction can be given, but it has failed to stop its momentum. Men and women, especially young people, flock to the mosques in increasing numbers in order to pray or to receive Islamic education.<sup>70</sup>

After the Qur'anic interpretation of history the matter which is absorbing interest to the Islamists is the practical implications of the concept of *tawhid*. In fact the knowledge of the Islamic philosophy of history is meant only to create a receptive climate in a Muslim's mind so that he could appreciate the true meaning of *tawhid*, which, in their opinion, is the distilled essence of Islamic ideology. In *tawhid*, they find all the cardinal features that make Islam such a dynamic and progressive doctrine. It is perceived as a supreme unifying force in the otherwise extremely diversified and scattered panorama of life. This confers on man the coveted title of being the agent of divine will. It gives him the unimpeachable right to be independent, frees him from the subservience of others. No power other than God is allowed to coerce him. It liberates him even from the captivity of his own self. The power of evil does not scare him and he strives valiantly to overcome the difficulties of life. The concept of *tawhid* not only protect the individual from the inabilities that often hamper his way to welfare and happiness, but also give the community a sense of direction, a purpose and a commitment. It is a manifesto for unity and identity, and helps the community to put up a

wall of defence against the hazards of godlessness. It is a weapon that insures victory, because it gives the believers a “spiritual breath” manifested in their religious zeal that leads them on the road to triumph here and salvation hereafter.

Spontaneous rise of powerful puritanical trends in the Muslim world have produced numerous fears and apprehensions, many of which are baseless and stem out of traditional prejudices that often blurred the vision of many foreign observers regarding Islam. One such fear is associated with Jihad, a concept which is always misconstrued and misrepresented by non-Muslim commentators. There is a general tendency among them to translate the term Jihad as “Holy war” which is patently wrong. The western literature, particularly during the middle ages, portrayed it as a use of sword to convert the unbelievers to Islam. The “Holy War” would be a war entirely conducted for the sake of religion. In the Islamic law, there is no separation of state and church, and in that respect all activities of the state could be designated as Holy. Warfare is recognized only as one of the instruments for the preservation of the ideals with which an Islamic state comes into existence. The fact that Jihad has been defined as a war against unbelievers does not mean that it is being waged solely for religious purposes. According to the Qur’anic injunctions, Jihad is both a collective attribute of the state, as well as a personal act for a Muslim’s spiritual salvation. There are numerous verses in the Qur’an and many Traditions of the Holy Prophet which show that those who participate in Jihad get rewards equal to the gains that one harvests through prayer, impeccable piety and others. The Western view of Jihad as a Holy war has been described by Henry Siegman by saying that , “the only political boundaries were those separating the *dar al-Islam*, and *dar al-harb*, inhabited by non-believers — and it was obligatory on Muslims to wage holy war — Jihad — to bring the *dar al-harb* into the domain of Islam.”<sup>71</sup> Similarly, another modern Western scholar Dankwart A. Rustow has tried to prove that Islam makes war a religious obligation. He has summed up his views as follows:

Islam arose in the seventh century A.D. as a conquering faith which unified within a century after a Prophets death a vast region from the Pyrenees to the Pamirs and imposed on most of it a religious and cultural stamps which thirteen centuries have not deleted. Compared with other world religions, Islam in its theology, and Jurisprudence accords a high degree of legitimacy to warfare. The doctrine of Jihad, or Holy War, for example, asserts that the true faith can be spread by conquest as well as by conversion; Muslim international law rests on a basic distinction between the Abode of War and the Abode of Islam; *amir al-muminin*, or Commander of the Faithfulls is one of the most frequently used titles of the Caliph.<sup>72</sup>

The Western scholars, nurtured on their excessively secularized intellectual tradition, and with minds fed on the centuries of warfare between the Christendom and Islam, have continued to interpret Jihad as a war that is waged exclusively with religious commitment and label it as a “fighting piety.”<sup>73</sup> Bernard Lewis concluded that in theory, co-existence of *dar-al-Islam* and *dar al-harb* is impossible. War between the two has to be interminable with only convenient punctuation of truce based on political expediency. Resumption of hostilities could take place at any time. In his opinion, this attitude changed only after the Caliphate with universal empire was fragmented into small independent sovereign states and Islam’s collective strength to lead an effective and successful Jihad was vitiated. This inescapable reality forced the Muslims to postpone the total conquest of *dar al-harb* to some indefinite future when some Messiah or Mahdi as he is called in Islam would achieve this supreme objective of Islam. The jurists rationalized this situation by saying that peace was not the cessation of hostilities, but only a prolongation of the truce.<sup>74</sup> In this way, the original spirit of Jihad disappeared from the practical politics of Islam. The only time it was again revived with its pristine fervour was when the Muslims mobilized their material, moral and military resources to liquidate two centuries of the domination’s of the Crusaders over the Muslim lands.<sup>75</sup>

In modern times, it was during the nineteenth century that the bitterness and hostility that characterized the Crusades was resurrected once again in the Muslim world. This time the Christian aggression emerged in the form of imperialism, and the world of Islam though degenerated and depressed politically, in some instances at least, mobilized resistance in the name of religion and declared Jihad against the imperialist domination of the Christian powers. In India, this Jihad was led by Sayyid Ahmad Shaheed and Shah Ismail Shaheed, the leaders of the fundamentalist revival during the early decades of the last century against the British. Both were devout puritans and declared India under foreign rule a *dar al-harb*, against which every Muslim was expected to fight as a part of his religious duty. They organized an army of Mujahidin to fight the British imperialism. Sayyid Ahmad wrote letters to several Muslim rulers and assumed the title of *Amiral Mominin*. He tried to convince them that they must recognize his Caliphate so that he could save the land that had been subjugated and polluted by the Christian rule.<sup>76</sup> Similar efforts were made by Mahdi of Sudan who led a Jihad against the British and the Egyptian forces and after the conquest of Khartoum in 1885 ruled the country for thirteen years strictly according to the laws of *Shari’yyah*.<sup>77</sup>

In Lybia, a similar fundamentalist movement called Sanusi Brotherhood hearkened the Muslims to rejuvenate the original puritanical Islam in their lives, and declared Jihad against European powers, which were tightening their imperialist hold over North Africa very rapidly. In the early years of the twentieth century, the Sanusis fought valiantly against the Italians and after World War II, it was Sayyid Idris, the head of the Sanusi order, who became the first king of independent Libya.<sup>78</sup> All the three movements mentioned above were led by staunch and militant Islamists. They all sought rigid adherence to the religion and firm commitment to fight for its defence at any cost. Therefore, one is not surprised that the post World War II Islamic revival in most Muslim lands has produced violent reactions among certain Christian circles of the West and in order to prove their charges of alleged bigotry, fanaticism and built-in ideological expansionism of Islam, they often distort the religio-political implications of Jihad. Therefore, in order to make present-day Muslim fundamentalism to be understood by the non-Muslims in its true perspectives it is essential to make a brief and dispassionate examination of the concept of Jihad in Islam.

Like every other discussion in Islam, the best course of action for a student of Islamic law would be to see what the Qur'an and the Traditions have to say about Jihad. Some of the important verses of the Qur'an that comprehend practically all the critical dimensions of Jihad are as follows:

Fight is obligatory for you, much as you dislike it. But you may hate a thing although it is good for you, and love it although it is bad for you. Allah knows but you do not.<sup>79</sup> Fight for the sake of Allah those that fight against you, but do not attack them first. Allah does not love the aggressors.

Kill them wherever you find them. Drive them out of the places from which they drove you. Idolatry is worse than carnage. Fight against them until idolatry is no more and Allah's religion reigns supreme. But if they mend their ways fight none except the evil doers.<sup>80</sup>

O you who believe, shall I direct you to a commerce that will save you from a painful torment? You shall believe in God and His messenger and struggle in God's way with your goods and your lives. That is best for you, did you but know it.<sup>81</sup>

There is a general consensus among commentators that the verses concerning Jihad were revealed after the Prophet had migrated to Medina. This was the period when the small community of believers, organized itself into a city state and acquired enough military strength to fight back the unbelievers and punish them for their misdeeds and the harassment to which they had subjected the Muslims. The Prophet, elucidated the Qur'anic injunctions with his usual clarity, and

emphasized that Jihad needed a considerable amount of physical sacrifice and material deprivation. Some of the Traditions attributed to him in the manuals of Hadith are as follows:

To keep guard a day and night in the way of God is better than a month's fasting and watching by night.<sup>82</sup>

Paradise is under the Shadow of the Sword.<sup>83</sup>

Fight against the polytheists with your property, your persons and your tongues.<sup>84</sup>

Go in the name of God and in God and in the religion of the Prophet of God. Do not kill the very old, the infant, the child, or the woman. Bring all the booty, holding back no part of it. Maintain order and do good, for God loves those who do good.<sup>85</sup>

Ibn Rushd has pointed out that the obligation to participate in the Jihad applies only to the adult free men who are in possession of good health and have the means to equip themselves for the war. Those who are ill or otherwise incapacitated are exempted from this religious duty.<sup>86</sup> The Qur'an says, "There is no blame upon the blind or upon the lame, or upon the sick,"<sup>87</sup> or, "No blame rests upon the frail or upon the sick or upon those who find nothing to contribute."<sup>88</sup> According to Ibn Rushd there are different categories of enemies, and damage that a Mujahid can inflict can vary from category to category. It could mean destruction of property, injury to enemy's person, or deprivation of freedom which meant slavery. Only priests of other faith were to be left in peace, and could not be enslaved. In this matter he believes that the Muslim jurists have given unlimited prerogatives to the head of the state.<sup>89</sup> The jurists have been quibbling over the issue of the damage to the enemy property that can be inflicted by the Muslims during the Jihad. Things that are listed as property are building, cattle and crops. The Maliki school of Islamic Jurisprudence allows the cutting of trees, the picking of fruits, and the demolishing of buildings, but prohibits the killing of cattle and the burning of trees. Awzai, forbids the destruction of building and trees completely. Imam Shafii, however, argues that if the enemy is entrenched in a fortress dwellings and trees could be burnt, but otherwise their destruction was reprehensible.<sup>90</sup> Ibn Rushd has also thrown some light on the question of the prerequisites of warfare. In his view, and this, in his opinion, is the belief of most Muslim scholars, Jihad becomes a legal act only after the enemy has been given the summons to the Islam. During the course of Jihad a provision has also been made for truce. In this matter, again, the *imam* (the ruler) is given indisputable privilege of deciding the time, the reason and the occasion for it. The enemy can buy a truce by paying a tribute, which would not be a *Jaziyah*

because the latter is collected only from those who have come under the Islamic rule. Truce, however, can also be forced by emergency or a threat of civil war within the ranks of the Muslims. As mentioned before, it was this provision of truce that was used by the Muslims for abandoning Jihad when due to civil wars their empire was fragmented and they lost their original fighting spirit. Peaceful co-existence with the unbelieving world was considered a prolongation of the truce. The jurists have dwelt on additional details relating to the laws of war and peace in Islam, but the summary of the views of Ibn Rushd embody to a vast extent the substance of the Qur'anic injunctions about Jihad.

When the earlier fervour for Jihad subsided, and the Muslim empire after reaching the limits of its territorial expansion declined, the concept of Jihad was given many new interpretations. Some scholars widened its scope because the war against the unbelievers had been halted, and within the Muslim community they discerned numerous evils that bordered almost on unbelief. Injustice was unquestionably the greatest evil, which was being perpetrated by despotic rulers of various dynasties in different parts of the Muslim world. Knowing fully well how unequivocal the Qur'an had been in its emphasis on justice, they included the fight against an unjust Muslim ruler also a part of Jihad, and also added pen and tongue to the sword as valid instruments of Jihad. In other words, protest whether manifested in actual rebellion, or shown in writing or verbal expression could put the legitimacy of a ruler in jeopardy. Even the term *shaheed* was given some fresh meanings. One interpretation declared that *shuhada* meant confessors, who testified the truth of God's message and the divine wisdom of the Prophet. Traditions of the Prophet were cited from Abu Dawod which suggested that along with those who died in defence of the Faith, seven other categories of persons could be included among the martyrs.<sup>91</sup> Ignaz Goldziher has summed up the later extended interpretation of martyrdom in the following words:

In later times other causes have been added to these seven. He who dies in defence of his possessions, or far from home in a strange country; he who meets his death in falling from a high mountain; he who is torn to pieces by wild beasts, and many more, are to be counted in the category of *Shuhada*. Seasickness is also mentioned in this list as a form of martyrdom. In the third century Dawud b. Ali of Isfahan transmitted, as a saying of the Prophet that any one who died from love-sickness was to be counted as a martyr. It appears that this extended conception of martyrdom was originally formed in opposition to the fanatical mania of rushing upon death which at one time be prevalent; it represents the reaction against *talab al-shahada* (seeking martyrdom).<sup>92</sup>

In due course, such actions as reading of the Qur'an for the sake of God, fulfilment of obligations to parents, uprightness of the tax-collector, were also declared to be equivalent to the religious war. Religious scholars found Traditions of the Prophet which supported their claims of being superior in spiritual status to the *shahada*, and indicated that the ink that flowed out of the pen of an *alim* was of higher value than the blood of the martyrs who died while defending the Faith against the unbelievers.<sup>93</sup> Some commentators have concluded that the extension of the meanings of the term Jihad was an effort on the part of those who wanted to belittle the religious significance of martyrdom because this was the only effective way of combating the fanaticism of certain clerical groups who considered struggle against unjust governments a duty of every righteous Muslims.<sup>94</sup>

It was mentioned earlier, since the beginning of Islamic revivalism during the second half of the nineteenth century, the Western critics of Islam have been attacking some of the fundamentals of the religious doctrine with increasing hostility. Their attacks are multi-dimensional and practically engulf every element that has a bearing on the social and political organization of a Muslim society. But more than anything else it is the concept of Jihad that has been subjected to carping criticism. They feel it is the weakest aspect of the Islamic laws where theory and practice have seldom synchronized. The result was that against those attacks very often even devout Muslims have been forced to indulge in apologetics and have tried to prove that Jihad is only an instrument of self-defence, and whatever excesses were committed by the Muslims in its name were un-Islamic. They feel somewhat embarrassed by the questions of the non-Muslims, when they ask what kind of piety one could expect out of fighting. The result is that the concept of Jihad has become one of the most controversial topics of discussion among Muslims and non-Muslim scholars of Islam. Shaikh al-Azhar Mahmud Shaltut<sup>95</sup> has examined the need for the clear understanding of Jihad in today's world as follows:

This topic of practical importance in our times, as wars are being fought all over the world, engaging everybody's attention. Moreover, it has a theoretical significance, as many adherents of other religions constantly take up this subject with a view to discredit Islam. Therefore, people will do well to learn the Koranic rules with regard to fighting its causes and its ends, and so come to recognize the wisdom of the Koran in this respect: its desire for peace and its aversion against bloodshed and killing for the sake of vanities of this world and out of sheer greediness and lust.<sup>96</sup>

Shaikh Shaltut further points out that the mission of Islam is clear and simple and Muslims are forbidden to use force in its propagation. Compulsion breeds resentment, and when force is used as an instrument

of conversion, it automatically results in the distortion of the purpose for which God sends his Messengers.<sup>97</sup> The Qur'an has advocated argument, wisdom and warning as instruments by which breaches could be made into the fortress of unbelief. It says, "Summon to the way of the Lord with wisdom and goodly admonition and argue against them with what is better."<sup>98</sup> And in another verse it is emphasized: "There is no compulsion in religion; rectitude has become clearly distinguished from perversity, so whoever disbelieves in *taghut* and believes in Allah has laid hold upon the firmest handgrip which never gives way: Allah is one Who hears and knows."<sup>99</sup> There are other verses also in the Qur'an that provide unquestioned testimony that use of force for missionary work is completely alien to Islamic ideology. From the verses that have been reproduced earlier in this analysis, one can easily construe that fighting against unbelievers is allowed only in cases where Muslims are being subjected to oppression. Fighting without provocation is prohibited.<sup>100</sup> A verse in the Holy Book says, "Fight them until there is no persecution and the religion is entirely Allah."<sup>101</sup> At another place it is mentioned, "But if they violate their oaths after they have made a covenant and attack your religion, fight the leaders of unbelief; no oath will hold in their case."<sup>102</sup>

The verses that non-Muslim critics of Islam have often quoted to show that Jihad is a permanent declaration of war against the non-believing world are as follows:

Fight against those who do not believe in Allah, nor in the Last Day and do not make forbidden what Allah and His messenger have made forbidden, and do not practice the religion of truth of those who have been given the book, until they pay the *jizya* off-hand, being subdued.<sup>103</sup>

O ye who have believed, fight the unbelievers who are near to you, and let them feel a rough temper in you and know that Allah is with those who show piety.<sup>104</sup>

According to Shaikh Mahmud Shaltut, these verses are often reproduced completely out of context. The first verse in his opinion was directed against those who had previously broken their pledges, and hindered the spread of Islam. This verse, therefore, cannot be understood as constituting a mandate for the Muslims to fight others simply of their unbelief. He concludes that the use of the term *jizya* clearly indicates that the injunction to fight continuously relates to those who were previously under Muslim rule and had withdrawn from their commitment or broken the oath of allegiance which cemented the non-believers relationship with the Muslims. The second verse, according to Shaikh Shaltut only refers to a strategy of warfare in which if a Muslim community is



surrounded by many enemies, the best course would be to deal first with the one who is nearest to you.<sup>105</sup> And after examining all the possible connotations of Jihad, Shaikh Shaltut arrives at a conclusion “that there are only three reasons for fighting viz., repelling aggression, protecting the Mission of Islam and defending religious freedom. Only in these cases, has Allah made fighting lawful and urged on to it.”<sup>106</sup>

After Jihad, the question on which the greatest attention has been focused in discussions relation to Islamic fundamentalism is the status of women in a Muslim society. During the past hundred years, Muslims and non-Muslim scholars have written a great deal on this extremely controversial subject. The modern controversy about the status of women in Islam began with the advent of Westernization in the Muslim world during the nineteenth century. The early Muslim feminists proclaimed that the Muslims, in determining the status of women, did not have to imitate the West. They portrayed Islam as the culmination of the historical process that liberated men and women from all kinds of shackles. In the case of women, it provided certain positive guidelines which emancipated them from the bondage of male domination. Both the reformists and the Islamists contended that the status accorded to women by Islam was much superior to the one which had been her lot under the Greek, Roman, Jewish, Persian, Chinese, and Indian civilizations. The Islamists contend that the rights and privileges which have been given to the women by the *Shari'yyah*, are the most rational and morally sound. They vehemently criticize authors like Qasim Amin<sup>107</sup> and Khalid Muhammad Khalid, who have pleaded for the complete Westernization of the status of the Muslim women. The Islamists have pointed out that the role of the women in human society is very critical and a delicate one and as such needs to be watched very carefully. The social and moral health of society to a vast extent depends on their behaviour. They attribute much of the moral decomposition of the contemporary Western civilization to the excessive and unbridled liberation of the women. Therefore, they tirelessly hearken the Muslims to avoid blind imitation of the West in this matter. In their opinion, the restrictions that have been imposed by Islam on the activities of the women are based on physiological and psychological facts, and not because they are inferior to men. If these facts are not taken into consideration, the result is always a kind of sex-warfare that has generated so much moral chaos in the Western societies. Islam on the other hand provides a legal and moral prescription that tranquilizes friction among sexes and tends to create environments in which men and women can work in genuine partnership.

This is, however, not the way the Western Orientalist and the Muslim secularists look upon Islam's contributions in this matter. They have raised certain serious objections to Islam's approach to femininity, and the Islamists have to find answers to all these serious questions. The most serious charge against Islam is that by legalizing polygamy, it has permanently denigrated the status of women. The Islamists have refuted this charge by saying that those who have formulated this charge have completely misunderstood the message of the Qur'an. The meanings of the Qur'anic verse which is deemed to have institutionalized polygamy have been totally misconstrued. The verse in the Qur'an states,

And if you fear that you will not deal fairly by the orphans, marry of women, who seem good to you, two or three or four, and if you fear that you will not deal justly, then one or what your right hand possesses. That is more likely that you will not do injustice.<sup>108</sup>

The modernists have used this verse to defend their advocacy of monogamy. In their opinion, the Qur'anic verse in an indirect and subtle way prohibits polygamy, because it is humanly impossible for an individual to do emotional and material justice to more than one woman at a time. The Muslim reformists like Shaikh Muhammad Abduh, have also held the view that the clause "Ye will not do injustice," is a positive injunction against polygamy. The Islamists, however, do not agree with this contention, and anytime when the reformists have tried to enact laws that would forbid polygamous marriages, they always protest vehemently. Shaikh al-Azhar Mahmud Shaltut strongly contested the right of the Egyptian Ministry of Social Affairs to introduce a legislation that would restrict the number of wives to one. He said,

Anyone who interprets the verse about the plurality of wives and restricting their number to one is falsifying the revelation – Polygamy is Islamic and the *Shari'yyah* has sanctioned it. As for the question of justice, that is left for the individual.<sup>109</sup>

Miqdd Yalgin has defended polygamy in the following words:

What should a man do in this condition? Should he abstain for the rest of his life, and abstinence after marriage — as they say — is harder on the soul than before marriage? Should he divorce his sick wife and abandon her or expel her from the house in order to marry another? How could he send her out when she is in this condition? Where would she go, and where would she find shelter? What religion, what human conscience accepts that he would do this contemptible act, what could be more unjust than this? Should he bother the sick woman on her bed when she is in her weakest and less capable condition? What should the husband do?<sup>110</sup>

The Islamists further point out that those who criticize Islam by looking at the present status of women in Muslim lands have totally misunderstood its spirit. The way Islamic doctrine has elevated the

position of women in society needs to be judged from her role as a mother. Both the Qur'an and the Traditions of the Holy Prophet are very lucid in emphasizing that parents deserve maximum attention and respect from the children. A Tradition attributed to the Holy Prophet says that paradise lies under the feet of the mother. They further add that patience brings a lot of good to a woman. Whatever inadequacies in her status exist in youth, and the inequalities that are noticed in her role as wife, are in the end disappear as she matures towards motherhood. She becomes the recipient of all kinds of favours, gifts from her children, which amply compensate her for earlier losses.

In spite of the growing interest of the revivalist movements in ameliorating the lot of women, the Muslim religious circles are still were far away from evolving a uniform opinion on this extremely critical issue. They are generally divided into two extremist groups. There are scholars like Muhammad Izzat Dawaza who, in vol.10 of his work *al-Tasfir al-Hadith*, has contended that the Qur'an gives to the women the right to move in public without a veil, they have the right for education, can attend gatherings in the mosques, are allowed to participate in public meetings, and can engage in trade and commerce.<sup>111</sup> Similarly, opinions have been expressed by other Islamists; but they all are at variant with each other. Rashid Rida (d.1935) the founder of the *Salafiah* movement, has concluded that men and women are equal in all respects, except that women are disallowed to assume the headship of the household, the headship of Imamate and are debarred from leading the prayers.<sup>112</sup> Muhammad Ghazzali, at one time a member of the brain trust of the Ikhwan *al-Muslimeen* has examined the status of women in a Muslim society in depth, and has taken a stand which is retrogressive. Probably his views have been determined by the traumatic developments that have taken place in the Muslim world after World War II, and have put the moral fabric of the Muslim society under very serious strain. When Qasim Amin (d.1908) the first leading feminist of this century wrote his classic work, the objective was to pull women out of their traditional inertia and give them a chance to cultivate excellences of mind that would enable them to enjoy the fruits of modern civilization. The question facing the religious Islamists after World War II, however, was totally different. The inroads of the Western civilization through movies, songs, dances, and the rest of the freedoms were disintegrating the fabric of the Muslim family. The recreational facilities being so limited, men and women were clustering into cinema houses to see imported Hollywood movies or their distorted versions put on the screen by indigenous producers. All this was having a very unhealthy influence on the minds and thoughts of the youth. Moreover, centuries of deprivation

had left the Muslim women completely starved of social privileges and this made them extremely vulnerable to foreign influences. Therefore, the fundamentalist in general became very rigid about female behaviour. As a result of that, religious thinkers like Muhammad Ghazzali, have adopted an ultra-conservative approach to the status of women. In his writings he points out that women need education just for the sake of education and not for career, but he becomes somewhat inconsistent when he takes great pains to explain that Islam allows women to lead “socially and politically active lives,” but still he would not like to have educational curriculum that would prepare women to become office secretaries, or heads of departments and agencies. In many respects, Muhammad Ghazzali is even more conservative than Rashid Rida who forbade only three offices to women i.e. (prayer-leader, head of the family and head of state.)<sup>113</sup>

These views of Muhammad Ghazzali were a direct reaction to the *tahrir al-Mara* movement which assumed unmanageable proportions after the revolution of 1952. Westernization infected all segments of the Egyptian society. Women from the upper-classes, the middle classes, and even among the lower classes, particularly in the cities started discarding traditional ways of life which had been sanctified in the conservative literature. On the campuses of the universities it became very rare to see a veiled woman. Members of the educated segments of society, if they saw a woman wrapped in black *milaya* (which covered her from top to toe) she was dismissed as an incongruity or despairingly provincial. The educated woman denied that there was anything un-Islamic in the western dress unless it was too much of a Hollywood style. In recent years, however, the growing influence of Islamic fundamentalism in Egypt the women are once again trying to traditionalize their dress and behaviour. Although their faces are still uncovered, but many of them wear traditional clothes. In some cases, even the return of yashmak or face-veil is also visible. The movement is to return to *al-zayyd-shari'yyah* and this dress they say has to be tailored to suit the requirements which are specifically written in the religious law. It says:

It is not permitted men to look at strange women, except in the face and palm of the hands – It is reported from Abu Hanifa that it is also allowable to look at the feet of a woman, since there is sometimes occasion for it. From Abu Yusuf there is also a tradition that the seeing of the shoulder is allowed, since from the influence of the custom it may be exposed. If, however, a man is not secure from the stirrings of lust, it is not allowable to look at the face of a woman, except in case of absolute necessity (Marghinani Hadaya Book 44, Sect.4).<sup>114</sup>

Professor John Alden Williams from his experience at the American University of Cairo concludes that in adopting *Shari'yyah* dress, an

Egyptian woman saves herself from psychological and social harassment. Indiscriminate-emulation of the West had created an identity crisis for her. Her mind was torn apart between two contrasting gravitational pulls of traditionalism and modernity. Now she seems to feel at ease with herself. She is a Muslim woman. Moreover, it saves her from the unwanted attention of men in the crowded streets of Cairo which annoys the women very much.<sup>115</sup> Some advocates of the return of the veil believe by returning to the traditional dress they are saving the society from disintegration, because blind following of the West had divided it into two watertight compartments very much antagonistic to each other. A woman leader defended the *Shari'yyah* dress in the following words:

Once we thought that Western society had all the answers for successful, fruitful living. If we followed the lead of the West, we would have progress. Now we see that this isn't true; they (the West) are sick societies; even their material prosperity is breaking down. America is full of crime and promiscuity. Russia is worse. Who wants to be like that? We have to remember God. Look how God has blessed Saudi Arabia. That is because they have tried to follow the law. And America, with its loose society is all problems.<sup>116</sup>

In view of the critical nature of the issue practically all leading Islamists have examined it with seriousness and comprehension. Muhammad Qutb, a leading Egyptian scholar and the brother of Sayyid Qutb Shaheed, has contended that woman is a human being and her soul is in no way inferior to man. As such, man and woman are equal in origin and as such they are entitled to equal rights and privileges. Islam gives the right to life, to honour, and to property like men. All things that are forbidden to women, are also forbidden to men. The rewards and punishment for good and bad deeds for both sexes are also the same. The Qur'an says, "Lo! I suffer not the work of any worker, male or female to the lost."<sup>117</sup> Both men and women have been given the right to have property. The verses in the Qur'an says, "Unto the men belongeth a share of that which parents and near kindred leave, and unto the women a share of that which parents and near kindred leave,"<sup>118</sup> and, "unto men a fortune from that which they have earned, and unto women a fortune from which they have earned."<sup>119</sup> This is the extent to which all Islamists would agree and show no hesitation in changing laws which would bring the status of the women in line with the Qur'anic injunctions. All else that is claimed by the secularists and the feminists is deemed to be un-Islamic. Absolute equality of sexes in every sphere of life is labelled as something that is morally toxic, and easily unhinges the social framework of the society. Muhammad Qutb after mentioning all the

contributions that Islam has made in elevating the social and economic status of the woman says,

And as a consequence of this fundamental difference in their functions and objectives we find that man and woman have so come to differ from each other in disposition as well as in constitution that each is equipped with what it can suitably accomplish its respective primary functions — It is for this reason that I am at a loss to understand how all this empty talk about an absolute equality between man and woman can ever bring it to pass.<sup>120</sup>

Muhammad Qutb concludes that the attitude of Islam is strictly according to human nature. Commenting on the law of inheritance which says, “To the male the equivalent of the portion of two females,” he says such a division of inheritance is just and natural, because man alone is charged with the awesome financial obligations of supporting the family. The woman has no such responsibility.<sup>121</sup> In the rest of the analysis, Muhammad Qutb has adopted the similar logic to prove that woman’s role would be most constructive for the society if her activities are confined mostly to rearing and looking after the family.<sup>122</sup>

Abul Ala Mawdudi, a leading revivalist of our time, in examining the framework of Islamic social order has pointed out that family is the corner-stone of human society. The woman has been placed the guardian of this institution, and this is a decisive role that Islam confers on her. This function she can perform only through a wedlock which has been established in true Islamic spirit. As such, irresponsible sex behaviour, and any conduct on the part of man or woman that transgresses the moral barriers laid down by the Qur’an is totally sinful, and anybody found guilty in this matter deserves punishment strictly according to the criminal code established by Islam.<sup>123</sup> In his opinion,

regulations of *Purdah*, ban on free mixing of men and women, restrictions on filthy music and pictures and discouragement of the spread and propagation of obscenities and aberrations, are all intended to guard against the damages that maladjustment of sex relationship can inflict on society.<sup>124</sup>

According to Mawdudi family like any other organization needs authority, and in his opinion, in a household man has the position of supreme authority. He considers the wife’s obedience to the husband an inescapable social and moral obligation. He concludes by saying,

Islam makes the marital bond strong, but not unbreakable. It aims at keeping the bond intact only so long as it is founded on the sweetness of love or at least the possibility of lasting companionship exists. When this possibility dies out, it gives man the right of divorce and woman the right of separation, and under certain conditions where married life has become a source of misery of nuisance, gives the Islamic courts of justice the authority to annul the marriages.<sup>125</sup>

In short the leaders of the fundamentalist thought are determined to judge the status of women in a Muslim society strictly according to the laws of the *Shari'yyah*. They find the contemporary feminist movements thoroughly un-Islamic and repugnant to the laws of the Qur'an.

The Islamic revivalism or the reformation of Islam to suit the contemporary conditions is caught up in numerous dilemmas. First, the Western observers have adopted an erroneous attitude of using Islamic fundamentalism as a 'catch all' term for all the religious activities in every part of the Muslim world. Whether it is assassination in Makkah, the flogging of miscreants and professional criminals, or theologically inspired political convulsions in any Muslim society, they attribute them to the rejuvenated militancy of Islam. They ignore the basic fact that the resurgence of the Faith is taking place in each country according to its specific religious and cultural tradition. Moreover, most western commentators tend to focus their attention solely on the political implications, and ignore the critical debates and discussions that are taking place among the religious authorities of Islam in redefining some of the cardinal features of the doctrine. Within the Muslim world the dilemma takes the form of a chronic difficulty of reconciling unbridgeable differences that separate the extremists from the moderates, Islamic jurists from the lay thinkers, and Westernized radicals from the staunch orthodox Islamists. The crisis is further magnified by the fact that whatever efforts have been made so far in this direction have been patchy and slipshod. At this juncture, in our opinion, the primary responsibility rests with the leading Islamic jurists of the world of Islam. Following the great intellectual tradition of the past jurists, they should be bold and innovative in interpreting the message of Islam. They will certainly be helped in this endeavour by the ideological response from the masses whose interest in religion is still very strong. There is a growing revulsion against Westernization, which is manifested in such aspects of social life as women's reversion to simplicity and modesty, separation of men and women in university classrooms, strict laws against the sale of alcohol, and revision of legal codes that had been borrowed in haste from the West during the nineteenth century.

Unless the Islamic jurists take concerted and positive steps to evolve a system of religious thought that would win acceptance from the bulk of the Muslim masses in every country, the present contradictions that plague the movements of Islamic revival or fundamentalism will continue to increase ideological fragmentation in the world of Islam. For instance, Muslim Brotherhood in Egypt simultaneously affirms the right to property and sweeping nationalization. Similarly, the *takfir wal-higra* movement, whose protagonists are held responsible for the assassination

of Sadaat advocates communal ownership of property.<sup>126</sup> In Iran People's Mujahideen are Islamists and Marxists at the same time. They are deeply committed to classes society. Jamaat-i Islami, founded by Mawlana Abul Ala Mawdudi, believes in a government headed by an Amir — a modern prototype of the early caliphs. The gravity of the intellectual puzzlement of the Muslim world increases manifold, when one notices that from extreme radicalism to the most rigid traditionalism, every Muslim group tends to use Islam as its sheet anchor against critics and enemies. A radical secularist uses it as a powerful weapon against a government that he perceives is oppressive, and economically unjust. The secular governments use it as a thin protective mask against popular orthodoxy. A genuine Muslim is trying to discover in the Islamic doctrine everything commonly associated with modern populism, such as social justice, equality of opportunity and unimpeachable faith in the dignity of human rights.<sup>127</sup>

Fuad Ajami has summed up the perplexing nature of Islam's basic dilemmas in the modern world as follows:

The Islamic state that tantalizes the true believers and frightens those in the West who worry about the receding of civilization as a memory that makes the present order look hopelessly compromised. No one knows what an Islamic state would or would not do, would or would not look like. Memory may imagine and resurrect on paper, in sermons, in the tracts of the true believers — a world that was once whole and autonomous. But past orders cannot be resurrected. Ideas and systems — liberal Marxist, Muslim whatever — become a cover for power, an apology for decay. Behind the labels lurk the struggle for power and the fears and ambitions of men. Reality devours the scheme and the people are left insisting that it was betrayed or disfigured only by greed or incompetence. Or they are left using the forms of a particular civilization — its methods of punishment, its sacred words, its outward displays of devotion — as a smoke screen behind which they engage in sordid or banal matters. Then the fight begins a new over the symbols themselves. What was presented as a solution becomes a new battleground. Where is the true Islam — in Khomeini's view of things or in Sadat's in Saudi Arabia or in Qaddifis' Libya, Radical fundamentalist Islam is one form; bourgeois Islam is another; reactionary Islam is yet another. Some read socialism into Islam. They insist that their radical economic policies can be found in this or that scripture, in the record of this or that caliph in this or that Hadith (saying of the Prophet), but their adversaries find in the same Islam high regard for private property and in equality. The Muslim Brotherhood condemns the Egyptian treaty with Israeli, but al-Azhar, Egypt's and the Muslim worlds most distinguished institution of Islamic learning, gives its approval to the treaty as the opinion of Islam. The ulema of al-Azhar, we are told in an official opinion, "believe that the Egyptian-Israeli treaty is in harmony with Islamic law. It was concluded from a position of strength after the battle of the Jihad and the victory realized by Egypt on the tenth of Romadan of the year 1393 (October 6, 1973). And to show how flexible traditions can be, al-Azhar found a precedent for the Egyptian Israeli accord



in the Prophet's diplomacy and conduct of war and peace and the treaty concluded in 628 — the Hudabiyah Treaty — with the clan that then controlled Makkah. Once again the question arises: Where is the opinion of Islam — in the tracts of the Muslim Brotherhood or the rulings of al-Azhar? There is no happy conclusion to the drama of politics no shortcut to Justice".<sup>128</sup>

The observers who are more critical of the resurgent Islam find in its political philosophy a positive threat to progress and modernization. In their opinion, if and when Islamists assume power in a Muslim state it would spell the demise of democracy. They feel it would be a one party regime and judged even by the simplest rule of political science all one party regimes tend to be dictatorial. Anywhere when the religious zealots control the machinery of government it has always resulted in despotism. The Spanish Inquisition in the past and the communist rule in Russia, they argue provide eloquent testimony, and indisputable evidence that over weaning ruling elite's with deep and obsessive ideological orientations use every conceivable power of the state to enforce the ideology of the party.<sup>129</sup> Maxime Rodinson has mentioned another endemic fear among Western scholars. They believe that the rise of militant fundamentalism in so many Muslim lands means the emergence of another ideological block, which aggravates further the bitterness and hostility among nations. In their opinion, the hostility generated by the Islamic block will divide the world into two camps *dar al-harb* and *dar al-Islam* the home of Islam. It is believed that once Islam becomes the order of the day, the rulers will have no choice except to implement the canonical law literally both in internal policies and outside diplomatic deliberations with the rest of the world.<sup>130</sup> Rodinson supports his contention by pointing out that in the Muslim lands, secularism was still very weak, and before it could strike roots in the elites of the public life, it was overwhelmed by the resurgent Islam. This has made the clergy a very resourceful pressure group. It is for this reason that religious leaders have become such a critical dimension of political socialization in Muslim countries.<sup>131</sup>

The intellectual elites of the Muslim countries are as much perplexed and puzzled at the rise of Islamic resurgence as are the non-Muslim observers. Particularly the growing religiosity of the youth surprises them the most. At the moment intellectually they are in the twilight zone of hope and despair. They are hopeful that the renewed spirit of Islam and its inherent dynamism may put Islam back on the road to progress; but they also get despaired when occasionally the religious leaders practice bigotry and extreme intolerance. The matter that disturbs them the most is everywhere the slogan is "back to our own way." But it

is placard more as a creed than as a plan. In other words, the goals of fundamentalism are blurred. The upsurge is genuine and sincere, but disputations about its objectives among warring factions makes it more a destabilizing factor than a constructive way of achieving national goals. In spite of these fears, the position which the Muslim intellectuals are adopting today is that pure secularism will not work in the Muslim world, and tend to follow the teachings of Afghani and Iqbal.<sup>132</sup>

The difficulties of the Islamic revivalists are compounded in many ways. They cannot see eye to eye with the modernists. They are also fighting with certain conservative religious leaders who are collaborating with the regimes in power. Among themselves also the Islamists are divided into two irreconcilable groups. There are the ones who would like to confine their activities only to the periodic criticism of the governmental policies, through fervent advocacy of the Islamic order and by mobilizing the public opinion behind it, while many among them are radicals who would not hesitate to indulge in violence and terror for the realization of their objectives.

The classic example of conflict between reformist Muslim regime and militant fundamentalism was the one that raged with undiminished bitterness between President Nasser and Ikhwan al-Muslimeen. At the time of the Revolution in 1952, the Ikhwan as the most popular religious movement lent full support to the leaders of the military revolt. Nasser, and Hassan al-Banna, the founder and the Chief Guide of the Ikhwan were in complete agreement in their deep-seated antipathy to colonialism, imperialism, monarchy and feudalism. Both labelled these institutions as ungodly and major cause of the ruination of the Islamic civilization. The military leaders under Nasser made full use of the mass popularity of the *Ikhawanism* in defeating monarchy and colonialism, but once the mission had been accomplished the partnership between Nasser and Hassan al-Banna came to an abrupt end. Nationalism, socialism, and Islam constituted the core of Nasser's thinking while extreme devotion to the puritanical Islam was the crux of the al-Banna's view of a Muslim society.

The radical Islamists have also acute differences with traditional religious conservatives whom they criticize as stooges in the hands of the ruling elite. In Islamic history a section of the religious classes, have always tended to side with rulers. They consider it a part of their religious duty. They preach from pulpit and platform that revolt against an established authority is a sin, and if they are victimized by tyranny and injustice they should resign themselves to the will of Allah. The radicalized Islam of the Muslim Brotherhood brand thinks of quietism,

and fatalistic sense of resignation to tyranny a complete abandonment of Islam. Its adherents are militant, and believe in policies that are geared to problem-solving. In the opinion of its proponents if the Muslims desert God, He would also forget about them. Fuad Ajami, after examining the populist literature on Islamic fundamentalism in the Arab world, has summed up its basic message in the following words:

Thanks to the revolutionary socialists, the Arabs have reverted to the age of *Jahiliyya* – pre-Islamic ignorance. Armed with Islam, they had accomplished miracles, conquered kingdoms, enlightened souls and turned the solitary individual fighter into a thousand. Islam had made heroes out of weaklings it had defeated two powerful empires, the Persian and the Byzantine, despite their superiority numbers and weaponry by instilling belief in the hearts of men, it enabled them to fight and die for a just cause. Its power lay in the believers certitude that Islam was the best message for the world and that the Muslims were “the best community ever raised up for mankind.” Today’s Arabs have lost all this. Instead of touching others, they have become followers of the unbelievers. The West and its columns destroyed the foundations of the community. Nationalism and Marxism are responsible for Arab decline.<sup>133</sup>

The radical Islamists do not allow their robust enthusiasm about religion to be tainted with any doubt nor would they be prepared to apologize for what they think to be right. They are often very critical of the whole generation of Muslim reformers and scholars who dominated the field of Islamic studies during the second half of the nineteenth century, and whose entire outlook in defence of Islam against the repeated attacks of the Orientalist was apologetic. They are extremely critical of the apologists who spend a considerable amount of their time and energies in rationalizing institutions like Jihad, polygamy, and the concept of the unification of the church and the state. The classic example of such an apologetic literature in Rt. Hon Syed Ameer Alis’ classic work called. “The Spirit of Islam” or the writings of Muhammad Abduh and Rashid Rida in which these leading figures of modern Muslim renaissance occasionally seem to feel embarrassed in frankly confessing that the precepts of Islam are as applicable in the contemporary world as they were when first introduced by the Messenger of the God. Moreover, the radicals find the traditional religious approach to be polluted with pessimism and inactivity. Its proponents they consider are denuded of the dynamic urge to disengage the complex issues of life with the requisite amount of boldness. The radical Islamists are extremely action-oriented. They turn to social and political problems with tremendous reformatory gusto. They are firm in their convictions and have a positive sense of direction about the future. Their behaviour, more often than not is characterized with impatience that forces them to unburden their frustration by adopting desperate

measures against the established order which in their opinion is against the spirit of Islam. It is for this reason that the regimes in power and the protagonists of this radicalized fundamentalism have a very hard time in arriving at mutually agreeable solutions to the perplexing problems of modern times. It is in view of these facts that it is very difficult to dismiss these Islamists as pathological conservatives, or hidebound dogmatizers. No matter what one may say about their strategies and tactics as politicians and revolutionaries, the undeniable fact remains that they have injected an extremely dynamic element in the otherwise static social system of Islam.<sup>134</sup>

There is also a room to question the feasibility and practicality of some of the doctrines of the radical Islamists, but their honesty, integrity, and spirit of sacrifice remains unquestioned.<sup>135</sup> Take for instance, the case of Sayyid Qutb, a landmark figure in the modern history of resurgent Islam, an outstanding thinker, and a profound and innovative interpreter of the Qur'anic laws. Under Nasser, he lost his life for his radical propagation of the message which he deemed to be right. He suffered the tortures of prison and finally went to the gallows, but his faith in the eternal truth and wisdom of the Islamic doctrine remained undeviating. Fuad Ajami's examination of the Ikhwan al-Muslimeen sums up the general nature of radicalized fundamentalism in modern Islam.

Thus, the importance of Muslim fundamentalism is not measured best in terms of its capacity to capture political power. Its power may lie in its ability to destabilize a regime, to help bring it down by denying it the religious cover that remains an important source of political power. Here the 1952 revolution is instructive. The Muslim Brotherhood helped topple the monarchy, but it became the victim and target of new regime. Fundamentalism may supply fervour, some of the committed manpower and willingness to take the risk of political action.<sup>136</sup>

Fuad Ajami has further added,

At one point the particularism was expressed in secular nationalist terms. Then fundamentalism took over where pan-Arabism and secular nationalism had failed. Fundamentalism maybe too incoherent to govern, but it can topple the world of elites, shatter their illusion, demonstrate that they have surrendered to the ways of the aliens.<sup>137</sup>

It is a common feature among western observers to depict the fight between the modernists and the Islamists as a fight between reason and faith. The fact of the matter is that the worshippers of reason are as unreasonable, and out of tune with rationality as the devout believers of the Faith. When a fundamentalist talks about the "Muslim economy" a modernist dismisses it as merely a ranting of a dogmatic mind. But even cursory glance at the record of liberal secularists who have held the reins

of authority in the Muslim lands for the last several decades can show that their policies are equally dogmatic and non-productive. If the Islamists are escapists, the modernists are also delusive. If the sermons of Khomeini and the polemics of the Muslim Brotherhood are imprecise and impractical, the secular rulers have also failed to bring the economy of the country to a take-off stage. Those who run the governmental machinery are also practicing hypocrisy and expediency in a brazen way. This makes the frustrated masses extremely vulnerable to the messianic call of the Islamists. The Shi'a Mujtahids and Imams of the Islamic Revolution in Iran are charged that they make irrational claims of having been ordained to fulfil the will of God. Similarly, the Supreme Guide of the Muslim Brotherhood in Egypt was vehemently criticized for catering the popular superstition when he claimed that his actions and policies are inspired by divine revelation. Such claims often tend to be counter-productive.

Islam is very unequivocal in its denunciation of extremism, and has constantly hearkened the believers to adopt a middle course in handling the complex affairs of life. The Qur'an has declared the Muslim community the leader of mankind. It says, "Thus we have appointed you a middle nation, that ye may be witnesses against mankind and that the messenger may be a witness against you."<sup>138</sup> In recent years the concept of *ummat-al wast* has been highlighted by religious reformers in many parts of the Muslim world, especially after the rise of militant Islamic fundamentalism. In every Muslim society intellectuals are fighting ceaseless battle between capitalism and socialism, and in the midst of this bewildering confusion, the religious revivalism has added another dimension, which does not seem to agree either with socialism or capitalism. In Islamic ideology one can find elements of both socialism and capitalism. It is to resolve this enigmatic situation that currently lading scholars of Islam have turned to the philosophy of golden means so eloquently propounded in the Qur'an.

The conceptual and philosophical framework of *ummat al-wast* as used in the Qur'an is so wide and comprehensive, that it is difficult to encapsulate it in a brief sketch. It tends to portray the existence of a very special group that has its foundation laid down in impeccable justice, equality, impartiality, piety and a deep sense of honest balance in the choice of alternatives. These excellences of the "middle community of Islam" entitle it to assume the leadership of the world. Sayyid Qutb says that Islam is superior to all ideologies because it follows a policy of golden mean. It offers the world a balanced view that is,

not to be found in idealistic Christianity nor in dogmatic communism, but in the middle position about life. Islam as an ideology balances pure spirituality

and moderate practical materialism and forms from them a system for the conscience and a way of life, and everlasting vision for humanity.<sup>139</sup>

Islamists like Sayyid Qutb feel that there is no cause for alarm or despair at the present day difficulties with which Islam is confronted. What we see today is only a sign of exhaustion produced by the repeated blows of the Western imperialism, and the burden of inadequacies that resulted from centuries of inertia and stagnation. But the very fact that Islam has survived such a long period of inactivity on the part of its adherents is a clear indication that it is still alive and workable. The assurance that Islam is eternal, has guaranteed the community the required stamina and perseverance to continue on a hope of its revival. Therefore, it is essential for Muslims to remain firm in their belief, and the Islamic civilization will be rejuvenated with all its pristine glory. Sayyid Qutb in his *Tarikh* says, "The mission of Islam is always to propel life to renewal, development and progress and to press human potentialities to build, to go forth, and to elevate."<sup>140</sup>

In spite of the most powerful ideological thrust, deep devotion and integrity of the leaders, and widespread popularity of the resurgent Islam among the middle classes and the youth, the Islamists have not been able to assume the reins of authority in any Muslim country except Iran, where followers of Imam Khomeini and *Fidaiyan-i Islam* have joined forces to completely dominate the political process.

The hallmark of the *Fidaiyan* is that they are anesthetized against intellectualism. They are generally overwhelmed with simple and raw fixation to the religious doctrine. This makes them fanatics and they seldom get a chance to rejuvenate thinking, or to make it broad based by exchanging their thoughts with others. It was this uncompromising attitude that more often forced them to remain underground during the period from 1951-1979. Their total commitment to Islam is further indicated by the fact that though themselves Shi'a, they support all fundamentalist movements even in the Sunni states.

It is as yet difficult to make a correct estimate of the influence that the *Fidaiyan* exercise on the policies of the religious revolutionaries who took over Iran after the fall of the Shah. The available evidence, however, does indicate that the Judicial reforms introduced by Imam Khomeini reflect the philosophy of justice as embodied in the writings of the *Fidaiyan*.

Muslim revivalism, in short, is a sunlit reality of the contemporary world, and its ideological and political ramifications are widespread. It has given a sense of direction, uncovered the causes of the erosion of the religion with great precision, and produced an emotional climate in

which both the illiterate and the educated classes can be speedily mobilized to achieve national objectives. It has initiated a powerful crusade against corruption, exploitation and injustice. It has made millions action-oriented. For centuries Islam's creative propensities had been crippled by inactivity of its believers. Currently, at least the fundamentalist upsurge has destabilized the status quo and traditionally static social systems are pulsating once again with protests against fallacies of materialism, social disparities and moral and spiritual impurities. There are, however, certain basic inadequacies which pose insurmountable hindrance to the effective realization of the objectives of this universal movement in the world of Islam.

Before turning to the actual limitations, it is essential to keep in mind one imponderable dilemma in mind that has hindered the plans of Islamists and has thrown them in direct confrontation with the secularists who all along have been their bitterest opponents. If a Muslim nation suffers any humiliation either in war or fall victim to any kind of disaster, the radicals have the tendency to attribute it to the so called reactionary, conservative, and fatalistic outlook of the religious classes whose preaching in their opinion kill initiative, stop creativity, perpetuate unscientific outlook and produce passivity and inertia through fatalism. The Islamists on the other hand consider every disaster a handiwork of either of fate or peoples' negligence of religion. It is deemed to be a divine punishment, inflicted on communities that have left the path of virtue and rectitude.

Islamic revival is unquestionably a very important reality of the religio-political scene in every Muslim country, but Muslim scholars and statesman have not yet been able to evolve relevant development-oriented Islamic institutions. There is only one important financial organization called International Association of Islamic Banks which is having some impact on the Islamization of the institutions responsible for the fiscal policies. It is active in London, where at least over forty Muslim banks are represented. The late King Faisal of Saudi Arabia was an enthusiastic supporter of this organization and under his patronage it maintained offices in Jeddah and Cairo, and encouraged the Muslim countries to establish financial institutions that would operate strictly on Islamic principles. In 1979, its branches had been established in Egypt, Pakistan, Saudi Arabia, Sudan, Jordan, Bahrain, Dubai, and Kuwait. There is also a Union of Islamic Banks whose membership is opened only to those banks which adhere strictly to Islamic principles in their transactions.<sup>141</sup> Khoury and Baaklini, after examining the main currents of the contemporary economic and political thought in the Muslim world, have drawn the following conclusion:

If the views being articulated at present in the Muslim world on the nature of an Islamic system are compared to existing western ideologies, one could come up with a number of analogies. The general picture, one might say, resembles a position in between communism and capitalism; a political system that is centralized yet not totalitarian, an economic plan that allows the individual initiative but also holds to firm government control — (Islamic countries) — today are still not unified, but prosperity seems to be beginning. Any emerging framework cannot be all-encompassing because of the diversity of political regimes, social customs, and the growth of different types of institutions across the spectrum of Muslim countries. Nevertheless, the current initiative to stress Islamic identity is a unifying factor. Islamic councils all over the Arab world are constantly engaged in drafting new legislation to help their governments retain their Islamic identity as they cope with new situations.<sup>142</sup>

The attitude of the Islamists towards other contemporary ideologies always remains very uncompromising and this inflexibility of thought has always subjected their activities to serious suspicions. Mawlana Mawdudi once remarked, “to be a Muslim and adopt a non-Islamic viewpoint is only meaningless, ‘Muslim nationalist’ and ‘Muslim communist’ are as contradictory terms as ‘communist fascist’ and ‘chaste prostitute’.”<sup>143</sup>

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### Notes and References

- 1 G.H. Jansen, “The Militant Islam: The Historic Whirlwind”, *The New York Times Magazine*, January 6, 1980, p.19.
- 2 Another most demonstrable manifestation of Islamic revivalism is the rapid increase in the number of those who participate annually in *Hajj*. Since 1974, the rise has been phenomenal. In 1981, more than two million Muslims went to Hajj from seventy different countries. And the number keeps increasing each year.
- 3 Bernard Lewis, “The Return of Islam” in *Middle East Review*, Vol.XII, No.1, Fall 1979.
- 4 *Ibid.*, p.18.
- 5 G.H. Jansen, “The Militate Islam, the Historic Whirlwind” in *The New York Times Magazine*, January 6, 1980, p.14.
- 6 Albert Hourani, *Europe and the Middle East* (Berkley: University of California Press, 1980), p.163.
- 7 Bernard Lewis, “The Return of Islam” in *The Middle East Review*, Vol.XII, Fall 1979, p.29. The Jaysh al-Shab incident refers to the article written by an army officer and published in the official Journal of the Syrian Army. It was written by a young new Arab socialist man, who believed that God, religion, feudalism, capitalism, were no more than mummies in the museums of history. There was only one value; absolute



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faith in the new man of destiny who relied only on himself and on his own contribution to humanity.” The publication of this article produced widespread unrest and many religious leaders had to be arrested. The government also arrested the writer of the article and the editors of the Journal. See Bernard Lewis, *ibid.*, pp.27-28.

- 8 Orhan M. Ozturk and Vamik Volkan, “Theories and Practice of Psychiatry in Turkey,” in *Psychological Dimensions of Near Eastern Studies*, edited by L. Carl Brown and Norman Itzkowitz, (Princeton: The Darwin Press, 1977), pp.336-337.
- 9 *The New York Times*, December 28, 1978, p.6A.
- 10 G.H. Jansen, “Miltant Islam: The Historical Whirlwind”, *op.cit.*, p.19.
- 11 *Spectator*; April 21, 1979, Vol.242, No.7867, p.10.
- 12 Count Leon Ostrorog, *The Turkish Problem* (London: Chatto and Windus, 1919), p.17.
- 13 cf. Albert Hourani, *Europe and the Middle East*, *op.cit.*, p.17.
- 14 Richard Hrair Dekmejian has described the activities of the Islamists in these words: Since the fundamentalist criticism of existing regimes is multidimensional — political, social and economic — Islam has emerged as a powerful protest ideology, opposing the establishment on the grounds of religion. Those states where gross mal-distribution of wealth exists side by side with widespread poverty are particularly vulnerable. In such situations, political elites are perceived as the perpetrators of socio-economic injustice. In “The Islamic Revival in the Middle East and North Africa” *Current History*, April 1908, Vol.78, No.456, p.171.
- 15 Sayyid Qutb, *Marakat al-Tarikh wal-Rasmaliyya* (Cairo: 1952), p.70.
- 16 *Ibid.*, p.79.  
John Voll says: The continuing vitality of Islam is clearly visible in the contemporary world. Revolutions and demonstrations are part of a broader reaffirmation by Muslims of their faith. Through out the Muslim world there is a major effort to assert the continuing validity of the teachings of Islam in the context of modern history. Legal systems are being examined and changed in the light of Islamic ideals. Social experience is being shaped by memories of the past and hopes for a more fully Islamic future. “The Islamic Past and Present Resurgence” in *Current History*, April 1980, Vol.78, No.456, p.145.
- 17 J.H. Kramers has made described of the “Brethren of Purity” in these words, “Parallel with the fixation of the orthodox theology there appeared in Iraq a philosophical movement that was equally unfavourable to the free development of unprejudiced scientific research. We know this movement through the encyclopaedic writings of the so-called Brethren of Purity or Brethren of Basra. These writings are composed about 950 A.D. In the fifty two treaties of which they consist, all the sciences known at that time are placed in a general scheme. Its system, as far as there is a system, is mainly

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- influenced by neo-Platonic views, which consider the world as the result of a series of emotions from the divine unity. This philosophy is outwardly Islamic in that it makes use of allegorical interpretations of the Qur'an. In its application to the sciences this system points to the hidden meaning of connections between various phenomena in nature as expressed in numbers." *Anlecta Orientalia Vol.II Leiden*, E.J. Brill, 1956, p.134. John Alden Williams says, "these treatises written by a circle of synchronising philosophers with Gnostic, Hellenistic, and esoteric Shi'a ideas who flourished in Basra in the tenth century A.D." *Themes of Islamic Civilization*, (Berkeley, University of California Press, 1971), p.152.
- 18 Hamid Enayat, *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), p.83.
- 19 cf. Yvonne Yazbeck Haddad, *Contemporary Islam and the Challenge of History* (Albany: State University of New York Press, 1982), p.207.
- 20 *Ibid.*, p.17.
- 21 Hamid Enayat, *op.cit.*, p.161.
- 22 cf. Peter Mansfield, *The Arab World: A Comprehensive History* (New York: Thomas W. Crowell, 1976), p.132.
- 23 *Ibid.*, p.133.
- 24 *Ibid.*, p.134.
- 25 Elie Kedourie, "Islam Today" in *Islam and the Arab World*, edited by Bernard Lewis (New York: Alfred Knopf, 1976), p.232.
- 26 James Roy King says, "The most serious of these, perhaps, is the feeling of many young people that the promise of Islam, a promise of spiritual and physical well-being embodied is the very root from which 'Islam' is derived has been lost and that modern technology has not fulfilled its promises. Antagonism exists between the conservative older generation and large numbers of young people and leftists who regard Islam as dead weight and who seek alternatives in technology." "The World Theme of Alienation in Contemporary Middle Eastern Literature", *The Muslim World*, Vol.LXVIII, No.2, April 1978, p.114.
- 27 Fuad Ajami says, "Thirty years earlier, the distinguished Egyptian writer Taha Husayn had expressed the consensus and the yearning of a generation of liberals when he called upon Egypt not only to partake of Western Civilization, but to become Europeans." *The Arab Predicament* (Cambridge: Cambridge University Press, 1981), p.40.
- 28 William R. Polk, *The United States and the Arab World* (Cambridge: Harvard University Press, 1975), p.98.
- 29 Edward Atiyah, *An Arab Tells His Story: A Study in Loyalties* (London: John Murray), p.165.
- 30 Daniel Lerner, *Nasser's Officialdom: A Review in the New Leader*, June 17, 1957, p.25.
- 31 Fuad Ajami, *op.cit.*, p.173.

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- 32 cf. Yvonne Yazebeck Haddad, *op.cit.*, p.90.
  - 33 P. Worsthorne, "Islam: Exorcising the Western Gods" *Wall Street Journal*, January 25, 1979.
  - 34 *Ibid.*
  - 35 Enver M. Koury, *The Patterns of Mass Movements in Arab Revolutionary Progressive States* (The Hague Mouton, 1970), p.29.
  - 36 Fuad Ajami, *op.cit.*, pp.52-53.
  - 37 *Ibid.*, p.54.
  - 38 *Ibid.*, p.16.
  - 39 *Ibid.*, p.17.
  - 40 Lewis Awad, an Egyptian scholar, has shown that from 1800 to the present time, the history of Egypt provides an eloquent testimony that whenever the country went through a period of crisis, it always gave rise to fundamentalism. Millenarianism, in the form of romantic nostalgia for the past was very dominant during the reign of Abbas I (1854-1868) from 1882 to the bourgeois revolution of 1919, from 1936 to 1952 and finally after the Six Day War of 1967, cf. Fuad Ajami, *op.cit.*, p.176.
  - 41 John E. Mack, "T.E. Lawrence and the Uses of Psychology in the Biography of Historical Figures" in *Psychological Dimensions of Middle Eastern Studies*, edited by L. Carl Brown and Norman Itzkowitz, (Princeton: The Darwin Press, 1977), p.35.
  - 42 Richard Hrair Dekmajian, *op.cit.*, p.170.
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  - 44 *Ibid.*, p.57.
  - 45 Gamal Abdel Nasser, "Revolution and Socialism" in *The Contemporary Middle East: Tradition and Innovation*, edited by Benjamin Rivlin and Joseph S. Szyliowicz, (New York: Random House, 1965), p.435.
  - 46 Muhammad Shafi Agwani, "The Bath: A Study in Contemporary Arab Politics" in Benjamin Rivlin and Joseph S. Szyliowicz, *ibid.*, pp.452-460.
  - 47 Richard Hrair Dekmejian, *op.cit.*, p.170.
  - 48 Rounaq Jahan, *Pakistan: Failure in National Integration* (New York: Columbia University Press, 1972), p.4.
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  - 51 *Ibid.*, p.39.
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  - 53 *Ibid.*, p.153.

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- 55 *Ibid.*, p.298.
- 56 Fuad Ajami, *op.cit.*, p.50.
- 57 Fuad Ajami, p.52.
- 58 Richard Hrair Dekejian, "The Islamic Rival in the Middle East and North Africa," *op.cit.*, p.169.
- 59 Yvonne Yazbeck Haddad, *Contemporary Islam and the Challenge of History*, p.92.
- 60 *Ibid.*, pp.6-7.
- 61 Sati al-Husri, a leading Arab scholar says, "The nation that preserves its language and forgets its history is similar to an individual who has lost consciousness, or a man in deep sleep or a sick man without feeling. He is still alive, but his life has no value unless he awakens and regains the consciousness he has lost." cf. Yvonne Yazbeck Haddad, *op.cit.*, p.15.
- 62 cf. Yvonne Yazbeck Haddad, *al-Islam wa-Harakat al-Tarikh* (Cairo: 1968) *op.cit.*, pp.154-155.
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- 75 Peter Mansfield, *op.cit.*, pp.63-72.
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- 87 The Qur'an, 48:17.
- 88 The Qur'an, 9:91.
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- 94 *Ibid.*, p.354.
- 95 Shaikh Mahmud Shaltut was born April 23, 1893 in a small town of Minyah Bani Mansur in Lower Egypt. After completing his education he became a teacher at Al-Azhar, but in 1931 was dismissed because of his strong advocacy of the reformers of the institute. Later he returned and became Dean of the Shariah faculty. In 1958 he was appointed Shaikh al-Azhar. He died on December 12, 1963.
- 96 Shaikh Mahmud Shaltut, *Koran and Fighting* (Translated by Rudolph Peters).
- 97 *Ibid.*, pp.28-29.
- 98 The Qur'an, 16:125.
- 99 The Qur'an, 2:256.
- 100 Shaikh Mahmud Shaltut, *op.cit.*, p.44.
- 101 The Qur'an, 8:39.
- 102 The Qur'an, 9:13-14.
- 103 The Qur'an, 2:29.
- 104 The Qur'an, 9:123.
- 105 Shaikh Mahmud Shaltut, *op.cit.*, pp.47-49.
- 106 *Ibid.*, p.55.
- 107 Qasim Amin's famous treatise entitled *Tahrir al-Mara* was considered a very revolutionary document at the turn of the century.
- 108 The Qur'an, 4:34.

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- 109 cf. Yvonne Yazbeck Haddad, *Contemporary Islam and the Challenge of History*, *op.cit.*, p.64.
- 110 cf. *Ibid.*, p.65.
- 111 *Ibid.*, p.233.
- 112 Hamid Enayat, *op.cit.*, p.82.
- 113 *Ibid.*, pp.92-93.
- 114 cf. John Alden Williams, "A Return to the Veil in Egypt" *Middle East Review*, Spring, 1979, Vol.XI, No.3, p.50.
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- 122 *Ibid.*, pp.115-131.
- 123 Syed Abul Ala Mawdudi, *Islamic Way of Life* (Lahore: Islamic Publication, 1979), p.51.
- 124 *Ibid.*, p.53.
- 125 *Ibid.*, p.54.
- 126 The *Takfir wal Higra* (Repentance and Atonement) was founded in 1973 by Shakir Ahmad Mustapha, a charismatic Muslim preacher, who originally belonged to the Muslim Brotherhood, but later defected because of its non-violent approach. The top five leaders of this group, including its founder, were hanged in November of 1977 when they kidnapped and murdered Shaikh Muhammad al-Dhahabi, the former Minister of Religious Affairs.
- 127 Shaul Bakhash, "Reformulating Islam" *The New York Times*, Thursday, October 22, 1981, p.A27.
- 128 Fuad Ajami, *op.cit.*, pp.192-193.
- 129 *The Economist* (London), April 7, 1979, p.8.
- 130 Maxime Rodinson, *The Arabs*, Translated from the French by Arthur Goldhammer, (The University of Chicago Press, 1981), p.32.
- 131 Maxime Rodinson says, at present, however, the historical logic of the situation is pointing in another direction. History has so arranged matters that the onset of new crises has not allowed a sufficient time for the secularization process to be completed or for various confessions to become closely integrated. We have only to recall how long this took in most parts of Europe. For one thing, clergy is a powerful pressure group, backed by the masses, who remain devoted to a religious ideology that did

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not betray them and that sanctified their humble ethics and values as against the aristocrat's Europeanizing 'debauchery' both intellectual and moral. In most countries in the region this pressure group has been successful in having Islam established as a state religion, or at least a majority religion within the national constitutions themselves. *The Arabs, Ibid.*, p.29.

132 Flora Lewis, "Moslem Leaders Watching Revival Warily" *The New York Times*, December 31, 1979, p. A4.

133 Fuad Ajami, *The Arab Predicament, op.cit.*, p.66.

134 Wilfred Cantwell Smith, *Islam in Modern History* (New York: Mentor Books), p.161.

Wilfred Cantwell Smith's remarks about Ikhwan al-Muslimeen of Egypt seem to be the most appropriate. Summing up the contributions that Islamists are making to the rejuvenation of contemporary Muslim society. He says:

To regard the *Ikhwan* (the Muslim Brothers) as purely reactionary would, in our judgement, be false. For there is at work in it also a praiseworthy constructive endeavour to build a modern society on a basis of justice and humanity, as an extrapolation from the best values that have been enshrined in the tradition from the past. It represents in part a determination to sweep aside the degeneration into which Arab society has fallen, the essentially unprincipled social opportunism interlaced with individual corruption; to get back to a basis for society of accepted moral standards and integrated vision, and to go forward to a programmed of active implementation of popular goals by an effectively organized of disciplined and devoted idealists. It represents in part a determination to sweep aside the inactive reference for an irrelevant, static, purely transcendental ideal; and transform Islam from the sentimental enthusiasm of purely inert admirers or the antiquated preserve of professional force actively at work on modern problems.

135 Herbert Liebesny says, "These ordinances thus have re-established the punishments prescribed in the Qur'an for *hadd* offences. While the punishments are harsh, the stringent proof requirements make it difficult in most cases to establish that an offence liable to *hadd* punishment has been committed. In these instances, courts then can impose *tazir* which may be more in line with penalties imposed by the courts before the passage of these ordinances." "Judicial Systems in the Near East and the Middle East", "Evolutionary Development and Islamic Revival", *The Middle East Journal*, Vol.37, No.2, Spring 1983, p.214.

136 Fuad Ajami, *op.cit.*, p.119.

137 *Ibid.*, p.173.

138 The Qur'an, II:143.

139 Syed Qutb, *Nahwa Mujtama Islami*, Cairo, p.32.

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- 140 Sayyid Qutb, *Fial-Tarikh: Fikra wa-Minhaj Jeda*, 1967, p.16.
- 141 R.J.A. Wilson, "The Economic Consequences of the Islamic Revival" in *Contemporary Review*, May 1980, Vol.236, No.1372, p.294.
- 142 Nabeel A. Khoury and Abdo I. Baaklini, "Muhammad Abduh: An Ideology of Development" in *The Muslim World*, Vol.LXIX, January 1979, pp.51-52.
- 143 cf. "Muslim Minorities under Non-Islamic Rule" in *Current History*, April 1980, Vol.78, No.456, p.159.



### *Islam, Nationalism and Modernity*

The idea of nationalism was accepted in Europe during the nineteenth century as a supreme political gospel. It was worshipped by the people almost like a secular religion, and the nation-builders were idolized as heralds of new era in world civilization. Garibaldi (1807-82), one of the chief architects of the unification of Italy, was hailed as a messiah in his lifetime, and his red shirt movement (Garibaldi's soldiers wore red shirts) became a source of inspiration in many parts of Europe, and the songs of his patriotic fervour were heard in other lands too. The unification of Germany was another indication of the inherent ideological potency on nationalism. These developments in Europe unquestionably had a profound impact on the mind and thought of the Muslim intellectuals who were being educated in the European political tradition during the nineteenth century. The acceptance of territorial nationalism by Muslim educated classes at that time, undoubtedly the biggest challenge to Islam modern history. Both Muslim commentators and the foreign observers agree that the legal framework of Qur'an has laid down unmistakable emphasis on the concept of *ummah* that means unity of all Muslims of the world irrespective of colour, race, nationality and territory. The Muslims are linked in an interminable bond of a supra-national commonwealth. In history, this ideal was translated into a political reality in the institution of Caliphate. All the four major Caliphates, i.e. (Pious, Omayyad, Abbaside, and the Ottoman), were multi-racial, in which the subjects by virtue of Faith merged all their ethnic, national, and linguistic affiliations. Since in Islam religion and politics are permanently integrated into a compact whole, each Caliph was a spiritual as well as a political head of the community. It is a matter of common knowledge with the historians of Islam that even when the political authority of a Caliph decayed, his spiritual ascendancy as the sole unifying phenomenon of the *ummah* was acknowledged by a vast

majority of the Muslim population of the world. In other words, Muslim universalism as one of the fundamental principles of the religion was never a subject of any theological controversy. It was always considered an integral part of the faith.

During the nineteenth century, however, due to the disintegration of the Ottoman Caliphate, and the penetration of European imperialism in the world of Islam, the feelings of oneness that had sustained the Muslims for centuries were subjected to a very serious test. The political intervention of the European states into the internal affairs of the Muslim lands, paved the way for the spread of numerous new philosophical ideas that were patently against the basic ideals of Islam. Among the doctrines borrowed from the West, liberalism and nationalism unquestionably posed the biggest threat. Many elements of liberalism were antithetical to Muslim philosophy, but its characteristics such as popular consensus, participation and accountability of the rulers had close similarity with the Islamic way of looking that the political organization of civilized communities. Nationalism, however, was an ideology that was totally alien to the Qur'anic thought. It was contrary to the divine message as it had been portrayed in the life of the Holy Prophet and the character and achievements of his pious successors.

Therefore, immediately after its inception in the Muslim world, nationalism became a source of chronic controversy among intellectuals, politicians, and religious scholars. Unending debates and discussions about it during the past century, however, failed to answer some of the fundamental questions regarding the extent to which nationalism was derogatory to the spirit of the Qur'anic philosophy. In the Christian West, nationalism was never a source of any religious or political controversy. First, in spite of the multiracial nature of Christianity, universalism that would link Christians into a compact religio-political commonwealth did not exist. Second, at the time when nationalism gripped the popular imagination, religion in the West had already been relegated strictly to the conscience of the individual, and its impact on the collective and public life of the community was almost non-existent. Under these circumstances it was not difficult for Christians to accept nationalism as a new secular religion. In its romanticized expectations they found a special kind of spiritual and emotional satisfaction, commonly associated with a devout worshipper of a religious doctrine. In the Muslim world, on the other hand, the situation from the point of view of religious ideology was totally different. Islam has made unity of the *ummah* an unimpeachable aspect of the social and political organization of the Muslims, and it is very difficult for a faithful to deviate from it. It is always cherished as one of the hallmarks of the

Faith. In theory at least, this elements has always been prominent in every discussion regarding the belief system in Islam. The result was that during colonial rule, when European powers introduced the concept of territorial nationalism in Muslim lands, religious circles which represented orthodox Islam opposed it vehemently as apart of the same conspiracy which had introduced westernization in many areas of the personal and social lives of the Muslims. In short, the moment nationalism started capturing the interest of the educated classes, it encountered serious opposition from religious scholars, and the masses in general also felt deeply apprehensive about its immediate and long-range effects on the future of Islam.

Before, however, turning to the ramifications of nationalism for Islam, and the consequences it has for the unity of the Muslim world, it would be in the fitness of things to crystallize our thinking about the theoretical framework of the concept, and its philosophical subject matter which makes this concept such an emotional and intellectual attraction for people of all races. Nationalism basically is a psychic and cultural phenomenon through which citizens living in a particular territory tend to assert their identity in the family of nations. It emerged as a dramatic leap forward of humanity from its tribal existence to a bigger unit of socio-political organization. Theoretically it is very difficult to list precisely the factors and forces that weld people into a nation, but there is a common agreement among scholars that nationalism generally appears among people who demonstrate deep identification with a particular territory, have a common history, speak the same language, and take pride in literature and culture which they idolise. All these elements are then strengthened with an overriding desire for political independence. On the world scene, the last element becomes the most critical dimension of nationalism. It raises an extremely sensitive issue of the sovereignty of the state. It is only when people sharing the above mentioned common traits demand political independence, and develops an inflexible fixation to their sovereign existence that nationalism becomes a potent manifestation of peoples' collective will. In other words, nationalism is the foundation rock over which the whole super-structure of the modern state system of the world has been built.

After this synoptic view of the essential philosophical characteristics of nationalism we turn to the circumstances that led to its speedy penetration into the Muslim world. It is generally accepted by historians that the concept of territorial nationalism engulfed the Muslim lands probably at the turn of the nineteenth century when the Ottoman Empire was disintegrating and various nationalities which of centuries had lived under Ottoman domination, started asserting their

independence. This process was further accelerated when the Muslim countries established closer cultural and political ties with European nations. Among the nationalities inhabiting the Ottoman Empire, Turks perhaps were the first to be captivated by the spirit of militant nationalism. It is said that Morali Esseyid Ali Efendi an Ottoman ambassador to France after the French Revolution, perhaps was the first Turkish statesman who in his reports praised the zeal and fervour of the Frenchmen for their *watan*. After this, the term *Vatniyyat* became gradually a common term in the political vocabulary of the Ottoman scholars. So much so that in the famous constitutional document *Khatt-i-Gulkhana*, there were references to *Vatniyyat*, and love of ones' country was highlighted as a great political virtue. In 1851, a Turkish poet by the name of Shinasi, in a letter to his mother, wrote "I want to sacrifice myself for my religion, kingdom, country and nation."<sup>1</sup> The humiliation that the Turks suffered in the Greek War of Independence 1831 and the Crimean War 1851 gave an additional impetus to Turkish nationalism which kept on gaining momentum as the years rolled by. During this period, the proponents of nationalism even started publishing a newspaper called *Ayina-i-watan*.

In the beginning, the Turkish patriotic movement was confined only to a limited circle of Western educated intellectuals, but with the passage of time, as series of administrative and constitutional reforms were introduced into the empire, this circle widened a great deal, and the Turkish masses in general were also attracted towards it. The intellectual elites who led this movement were generally the product of the reformative era of Sultan Mahmud II's rule during the first half of the last century. Bernard Lewis has described the emergence of these elite's in the following words:

The reforms of Mahmud II and his successors had created a new administrative and governing elite in the Empire, literate, idealistic, and ambitious. The transformation of Ottoman government and society had given them new opportunities and appetites; the translation and imitation of European writings had filled their minds with new beliefs and ideas.<sup>2</sup>

During the reign of Sultan Abdul Aziz (1861-1867) the westernized elites vastly extended their activities both inside and outside Turkey. They were working hard to convince the masses that love for the "Fatherland", "Constitution" and Parliament should be the basis of Turkey's new political culture. It was in the midst of these philosophical and political changes that the Young Ottomans or Young Turks movement was started. It is said that around the 1860's, the presence of self-exiled young Turkish intellectuals was a familiar sight in Paris and London. In 1864, they started the publication of a Journal called *Hurriyat*

from London. The leading figures of this group were nationalists like Namik Kemal, Ziya Pasha, Mustafa Fazil Pasha, Nuri Be, Reshat Bey, and Al Suavi.<sup>3</sup> The historians of nationalism in the Middle East have dwelt at length on the contributions of Namik Kemal and Ziya Pasha in making *Vatniyyat* a popular doctrine. Namik Kemal like many other Turkish reformers of the day started his career in the Translation Bureau which he joined in 1858 at the age of seventeen. He was deeply impressed by the works of the French philosophers which were being translated in this Bureau. His political philosophy was evolved in the articles he wrote for the *Hurriyat* and the *Ibrat*. He wrote on a variety of subjects, but love of Farther-land was the pivotal concept of his thought. He infused in Turkish nationalism the romantic fervour that had characterized nationalist movements in Europe. In his opinion, the nation is not only a geographical unit, but also a powerful reservoir of emotions which bind different parochial cultures within a specified territory into a compact unified political entity. Except for a minor confusion, his thoughts on nationalism were very clear and well-integrated. The confusion resulted when he occasionally used the terms Ottoman and Turkish interchangeably.<sup>4</sup> A careful assessment of his philosophy, however, does not leave any doubt in the mind of a reader that Namik's entire thesis about nationalism was drawn from the Western tradition and pertained only to Turkey, and this is probably the reason that even today his works are avidly read by the Turkish people. His nationalism, however, was moderate and was mellowed considerably by the realization that Turkey was still the centre of supra-national Caliphate. Ali Suavi a contemporary of Namik, however, was much more militant in his Turkishness. He used the word "Turk" so frequently in his writings that some call him the first Turkist of modern history.<sup>5</sup> He harangued his compatriots to take genuine pride in the Tartar origin of their race, and advocated strongly the use of the Turkish language as a medium of instruction in schools. He also wanted all codified Islamic laws to be translated from Arabic into Turkish.<sup>6</sup> The movement of Turkish nationalism continued to grow during the second half of the last century and ultimately culminated in the rise of the Turkish Republic under Ataturk in 1924.

Following in the footsteps of the Turkish reformers, Egyptian nationalist also started thinking that nationalism was an antidote against stagnation and backwardness of Egypt. The seeds of political nationalism were sown in this country when Muhammad Ali, an Albanian colonel in the Ottoman army, established an hereditary rule and declared Egypt an autonomous region in internal and external affairs. Egypt had all the essential ingredients out of which it could develop militant nationalism.

It had a long and lustrous pre-Islamic history of cultural, religious, and artistic achievements. An appeal to a common past has always been a powerful force behind nationalist movements. But as it is well understood, that all the factors that facilitate the rise of nationalism need a powerful intellectual thrust to galvanize them. Among the intellectuals of Egypt, the lead in this direction was provided by Rifaa Rafi al-Tahtawi (1801-1873) who during his stay in Paris between 1826 and 1831 became a great admirer of the French tradition of patriotism. In order to make his patriotic message more attractive and romantic, he decided to versify Egypt's past. In 1855, he published *Qasida Watniyyah Misriyya* (A Panegyric in Praise of Egypt) and *Manzumat Watniyyah Missriyya* (Poems of Egyptian Patriotism). These poems extolled the exploits of Egyptian soldiers who fought in the Crimean War and took part in the expeditionary force sent by Napoleon III of France to Mexico.<sup>7</sup> Tahtawi's nationalism was characteristically Egyptian, because he did not take into consideration any other Arabic-speaking country. His love for pre-Islamic Egypt was further testified by the translation which he made of an European book on the Pharoos into Arabic in 1838. In other words, all the works of Tahtawi pulsate with his undiminished pride in the ancient glories of Egypt.<sup>8</sup> In one of his writings on the subject he remarked,

The wisdom of the Almighty king has seen it fit that the sons of the fatherland be united always by their language, by their allegiance to one king and by their allegiance to one divine law and political administration. These are some of the indications that God disposed men to work together for the improvement of their fatherland and willed that they relate to one another as members of one family. God willed that the fatherland would so to speak take the place of father and mother and tutor and would be the happiness shared by men.<sup>9</sup>

Similar views were expressed by another renowned Egyptian scholar Abdullah al-Nadim (1844-1896). As a champion of nationalism, his biggest concern was to keep it separate from religion. In independent Egypt he wanted the Muslims, the Copts and the Jews to be equal partners in the social and political destiny of the country. He once remarked: "Let the Muslim among you turn to his brother Muslim for the sake of religious unity, and let the two join the Copt and the Jew in support of national unity, and let them all be one man seeking one thing to preserve Egypt for the Egyptians".<sup>10</sup>

The spirit of nationalism was stronger in Egypt than the rest of the Muslim countries because it was the first Islamic country to become a play ground of European imperialism. After Napoleon's invasion, and particularly after the opening of the Suez Canal (1869), the interest of the

European powers in the political destiny of this country became very deep and they were continuously involved in its internal politics. Naturally this put serious curbs on the independence of the nation, and this in turn generated widespread resentment among the masses. It has been mentioned earlier that peoples' urge to defend their independence constitutes a very critical dimension of nationalism, and it provides a fund of emotionality on which they feed their patriotic zeal and fervour. In Egypt, this popular resentment culminated in the revolt of Arabi Pasha. The uprising was vanquished and the country was occupied by the British in 1882. All these events had a very profound cumulative effect on Egyptian nationalism. Bernard Lewis commenting on the nature of Egyptian nationalism has remarked,

Egypt then was the only country where territorial non-confessional patriotism made any headway among Muslim people. There were many advantages: a country strikingly defined both by history and geography; a vigorous reigning dynasty determined to achieve territorial independence; a splendid ancient past — the first to be rediscovered and in many ways the most significant — to sustain patriotic pride.<sup>11</sup>

With the passage of time, the spirit of patriotism became so rampant in the Muslim world that nationalist leaders in every country were totally unabashed in the idolization of their pre-Islamic past. During the inter-war period, some Turkish leaders were deeply fascinated by the Hittite civilization;<sup>12</sup> and in Egypt, nationalists were thrilled with pride at the treasures discovered in the tomb of Tutankhamen. Among the twentieth century scholars and historians of Egypt, only Rashid Rida, editor, *al-Manar* remained committed to Muslim universalism. The rest of the leading writers completely turned away from Islam so far as nationalism was concerned. For instance, an Arab intellectual Ahmad Lutfi al-Sayyid<sup>13</sup> approached the question of nationalism from another angle. He was also an admirer of Muhammed Abduh and after completing his education in law he joined Egyptian state service. He was a voracious reader of European authors and rose to become one of the leading literary figures of his country. As an editor of a journal called *al-Torido* he gained a nation wide reputation as scholar and critic. For while he dabbled in politics also and founded Peoples Party, but found practical politics too uncomfortable and abandoned it. He was a founding member of the Egyptian University where he taught philosophy and then rose to become its Rector.

Lutfi al-Sayyid was a strong nationalist. He dismissed transitional Pan-Islamism as an historical fiction. Loyalty of citizens he said could not be compartmentalized into two fatherlands i.e. the land of birth, and the commonwealth of all believers. In his opinion Pan-Islamism smacked

of imperialism, and he saw no difference between European colonialism and the territorial possessions which Muslim Caliphs acquired through conquest or missionary conversion.

Therefore according to Lutf al-Sayyid the entire phenomenon of Pan-Islamism or Muslim universalism as a political reality was misconceived. Each Muslim nation in his view must have its own national identity, its own inherent spirit of oneness and its own independent international status. For instance, according to some prominent intellectuals, history in Egypt did not begin with the rise of Islam in Egypt. It incorporated the entire cultural heritage of pre-Islamic past.

Similar views were expressed by another Egyptian scholar Ali al-Razi (1888-1966), whose writings were vehemently condemned by religious scholars of al-Azhar, because they blatantly denied the need for Islamic unity. al-Razi and thinkers of his brand advocated secular and liberal patriotism. They gained most of their strength from the new generation of professionals, and semi-professional classes which were emerging fast after the spread of the western education. Lawyers, bureaucrats, teachers and journalists considered Egyptian nationalism the only tangible political reality. Arabism and Islamism had been receding from their mind gradually.<sup>14</sup> Bernard Lewis commenting on the outlook of the western educated Egyptian elites says,

Their national loyalty was to Egypt — patriotic rather than nationalist. They took pride in their Arabic language and culture and in their Islamic religion, but rejected both Arabism and Islamism as the focus of identity and loyalty. For the Arabs of Asia — those who had not settled in Egypt — they felt a sympathetic interest, based on the historical and cultural links, but no political bond.<sup>15</sup>

For religious and political reasons, nationalism in Iran was even more militant. Iran's dominant Shi'ite tradition kept it outside the mainstream of Sunnite Caliphates of Damascus, Baghdad, and Istanbul for long periods of history. After the fall of Baghdad, it became independent and was never subjected to foreign domination again. Iranian monarchy, in spite of its weakness, maintained its independent status during the nineteenth century. There were serious internal political convulsions on the question of constitutionalism, but there was never any imminent danger of its being occupied by a foreign power. The rise of Reza Shah and the foundation of Pahlvi dynasty gave further fillip to the militancy of Iranian nationalism. The new ruler not only assumed a pre-Islamic title for his dynasty, but also encouraged the educational institutions and literary circles to glorify the nation's past. Conscious efforts were made to purge the Iranian language of its foreign



vocabulary, and all this signalled a marked change in the national outlook of the Iranians. The Shah of Iran and his political cohorts called it positive nationalism.<sup>16</sup>

In other Muslim lands, from Indonesia to Morocco also the main theme of the statesmen and scholars was territorial nationalism, and in each case the inspiration was derived from the intellectual and philosophical heritage of the West. Emphasis was mostly on unity, freedom, past glories and future hopes. Since most of them were trying to emancipate themselves from the colonial yoke, the main thrust of nationalism during the inter-war period was towards independence. The tempo of the international developments, and the pace of internal changes in the Muslim states was so accelerated that even the Arab world which in language, culture, history, religion and ethnicity had been one for centuries, was divided into small states, and each state then started developing its own nationalistic identity. Iraq, Palestine, Syria, Saudi Arabia, Yemen, Libya, Tunisia, and Morocco and Algeria with all the lustrous legacy of their Arabism, decided to live as separate states rather than be linked into some pan-Islamic framework. It is in the light of the recent history of nationalism in the Muslim world, that many observers believed that if the current trend of mini-nationalism that has engulfed the world today continues, there is every possibility that the number of the Muslim states would also increase a great deal. It is pointed out that Kurdish, Palestinian and Turkish Cypriot republics seem inevitable.<sup>17</sup> The recent disintegration of Russian communist empire has already added at least five Muslim republics of central Asia to the world of Islam.

Indo-Pakistan is another area of the world which has a very large concentration of Muslims, who in spite of the fact that they are outnumbered, by Hindus by a very wide margin, have maintained their national identity. The various Muslim dynasties that ruled the sub-continent left a cultural legacy that helped the Muslims of the sub-continent a great deal to remain a distinct religious community. Under the patronage of the Muslim rulers they even created a common language in which in spite of vast regional differences, they could communicate effectively. During the nineteenth century, the spirit of nationhood got additional potency as fanatic Hindu organizations declared Islam a foreign religion and all its followers, aliens. After the turn of this century, as the momentum of the struggle for independence for the sub-continent against the British increased, the Muslims became extremely restive, fearing that in a Hindu dominated political system their national identity would be seriously damaged.<sup>18</sup> This led to the emergence of a

movement which, under the dynamic leadership of Quaid-i-Azam M.A. Jinnah, culminated in the establishment of Pakistan and the new state decided to operate as a nation state. Although the new state had been created entirely in the name of Islam, but ideologically it was structured within the parameters of territorial nationalism.

### **Cultural and Racial Nationalism**

As will be seen later, territorial nationalism, which spread with lightening speed after the turn of this century in the Muslim world became a very big challenge to the concept of *ummah* a transitional religio-political entity which had been an integral part of Islam as a religious ideology. Muslim universalism was also seriously threatened by the rise of the cultural and racial nationalism in the form of Arab nationalism. Near the close of the nineteenth century as the Ottoman Empire rapidly drifted towards its dissolution, an Arab cultural and ethnic nationalism emerged as a very powerful political force in the Muslim world. The Ottoman Empire was not a fully integrated political entity. It was a patchwork of religious and racial communities which had not been properly assimilated into a lasting frame work of Muslim nationhood. It was always plagued with internal restlessness; and each time the central authority weakened, various nationalities had the tendency to assert their independence. During the first half of the last century, the Greek War of independence, and the Crimean War gave a positive indication that the Christian communities living in the European parts of the empire were determined to unburden the yoke of the Ottoman domination under which they had lived for centuries. Many of these nationalities, particularly those of Slavic origin, were deeply inspired by the pan-Slavic movement. In the second half of the last century, a similar pan-Arab movement arose among the Arabic speaking population of the Ottoman Empire. The Arab lands constituted the bulk of the territorial possessions of the Ottoman Sultan, and since the majority of the subjects living in these countries were Muslims, it helped to maintain the legitimacy of the Ottoman Sultans caliphate authority. But as the administrative hold of the Sultans over the Arab territories weakened, and petty tyrannies of the despotic provincial governors increased, the Arabs also started feeling the pulsating sentiments of secession which ultimately became a formidable movement for Arab nationalism.

There is a general consensus among the historians of modern Islam that the rise of Arab nationalism was indirect response to the Turkism of the young Turks who had gained considerable influence in the affairs of

the empire. Fuad Ajmi has explained the genesis of Arab nationalism in the following words:

The universalism of pan-Arabism derived to a considerable extent from the universalism of the Ottoman Empire of which the Arab states had been a part for four centuries. In other words, scholars, officials, and officers slipped from one universalist system into another. It was an understandable response to the nationalism of the Young Turks; if the Turks were a nation, so too were the Arabs.<sup>19</sup>

Among the nations of the Middle East, as noticed earlier, Egypt alone had the requisite ingredients and the proper environments to develop the Western style territorial nationalism. The rest of the nations were still technically provinces of the Ottoman Empire, and suffered the pangs and anguish of maladministration which had become a common feature of the empire during the nineteenth century. If each Arab province could not create a nationalist movement of its own, at least there was a possibility to mobilize all Arabs against the Turkish domination in the name of Arab unity.<sup>20</sup> All of them spoke the same language, shared the same religion had a memorable past when the Arab led the rest of the Muslim world in politics, religion and education. In other words, Arabism was a living reality and its elements could be easily galvanized to create the same psychic and emotional hysteria that had been the chief characteristic of nationalism in other parts of the world. Abdul Rahman al-Kawakibi (1849-1903) is generally considered to be the scholar who first sired the idea of Arab nationalism in modern history. In his *Taba-i al-Istibdad* (The Characteristics of Tyranny) published in Cairo in 1900, he advocated Arab nationalism in unmistakable terms. He openly preached separation of religion and politics and strongly felt that in the creation of Arab unity religion had a very insignificant role to play. He said:

Here are the nations of Austria and America who have been guided by science to find a variety of paths and deep-rooted foundations for national unity and harmony, but not administrative unity, for national harmony, but not sectarian unity. Why is it that we cannot follow one of these paths.<sup>21</sup>

In his later work, *Umm al-Qura*, he changed his strategy somewhat, but remained firmly committed to the cause of Arab unity. The book was serialized in Rashid Rid's al-Manar in 1901-1902, and at many places he pointed out that it was the duty of the Arabs to close their ranks and rise once again to defend Islam, because no other nation in the world, in his opinion, had the strength to salvage Islam from its difficulties in the contemporary world. If in the past other nations accepted their leadership in religion he did not see any reason why they would not do so today if the Arabs were to be united. Another eminent Arab Christian by the

name of Najeeb Azouri who was contemporary of Kawakibi, was also a very strong protagonist of Arab nationalism. In 1905, Azouri published a book in Paris entitled, *Le Reveil de la Nation Arabe*, in which he made a powerful case for the separation of civil and religious administration, and advocated the creation of an Arab state. This envisioned state, however, he would like to be headed by a Muslim Sultan.

While scholars like Kawakibi and Azouri were formulating a philosophical framework of Arab nationalism, some educated Christians in Beirut and Damascus, were busy in creating secret societies that were demanding complete independence of the Arab territories from the Ottoman Empire. The first of these societies was the Beirut Secret Society created in 1875. The manifesto of the Beirut Society demanded independence for Syria and recognition of Arabic as an official language. In 1881, the Society for the Rights of the Arab Nation emerged in Beirut and Damascus, which called upon the Christians and the Muslims to jointly shoulder the responsibility of creating an Arab national unity. These early Arab societies were radical in their demands and would not accept anything short of complete independence. The societies, however, that came into existence after the turn of this century, adopted a less militant attitude. They would like the Ottoman Empire and the Arab territories to be linked by a constitutional bond in which the Arabs would be raised from the status of subject people to that of equal partners in the political process. The reason for this change of attitude could be that the second Ottoman Constitution of 1908 was much more liberal. Among such societies one could count *Jamiyyat al-Ikha al-Arabi al-Othmani* (The Arab-Ottoman Brotherhood Society) founded in Istanbul in 1908, and *al-Qahtaniyyah*, established in 1909. Their program included such clauses as that "the Ottoman fatherland is indivisible, and would be fully contented if an Arabic-Turkish empire similar to the Austro-Hungarian" empire in Europe was created.

While the organizers of above societies were speaking in terms of co-existence between Turks and Arabs, certain Arab intellectuals and scholars were trying to ignite a truly Pan-Arab movement based on the idea of language, culture and nation. They held a conference in June, 1913 in Paris and passed numerous resolutions and recommendations, in which for the first time religion was publicly excluded from the concept of Arab nationalism. But in the meantime, World War I started in 1914, and when it ended in 1919 the political map of the Middle East had been completely changed. During the war, the Arabs revolted against Turkey; and after joining the British, inflicted heavy losses on the Turkish army. But the diplomatic scene, however, was changing so fast that as soon as the war was over it became abundantly clear that the Anglo-Arab

alliance was only a child of political expediency. The extent to which the Arabs were betrayed by the British is amply illustrated by the Sykes-Picot Agreement. The Arab parts of the Ottoman Empire were fragmented into small political entities, each different from the other, and they were handed over to France and Britain as mandates of the League of the Nations.<sup>22</sup> The Balfour Declaration, by promising the Jews a homeland in Palestine, further dealt a stunning blow to the aspirations of the Arab nationalism. The spectacle was very depressing, because instead of creating a united Arab kingdom, the Arabic speaking territories of the Middle East were reduced to a constellation of small Arab principalities organized as satellites of European imperialism.<sup>23</sup> The only state that could claim for itself sovereign authority was the Wahabi kingdom created by the tact and valour of the late King Abdul Aziz Ibn Saud around the holy cities of Makkah and Medina. In due course, the boundaries created by post World War I international agreements in the Middle East became permanent, and the region became a playground of new state system, in which each state took pride in its own power and legitimacy, and suddenly “the Arabs who had once seemed whole-both to themselves and others — looked as diverse as they had been all along.”<sup>24</sup> The developments of the inter-war period further weakened the prospects of Arab unity. Most of the energies of the Arab leaders were consumed in fighting against the imperialist yoke to which their countries had been subjected after the World War I. Moreover, the acute economic depression of the thirties put serious curbs on the nationalist movements around the world.

It is a well-known political reality that once the spark of nationalism is ignited it is seldom quenched easily. This was true of Arab nationalism too. The mandate system, the Balfour Declaration, and the growing popularity of territorial nationalism among new Arab states, dealt a serious blow to the Pan-Arabism, which had been such a powerful dream of the Arab revolutionaries at the turn of this century, but in spite of these developments, the idea of a single Arab nation persisted and remained a popular theme in practically every discussion relating to Arab politics. It is a matter of common knowledge among the students of Arab history that Arabs are mobilized behind an idea or a doctrine if it is being advocated by a charismatic leader. So far, Arab nationalism had been a topic of discussion among intellectuals alone who in spite of their enduring zeal and devotion could not give it the requisite charismatic thrust to make it a popular movement. It was after World War II, that President Nasser of Egypt used his charismatic leadership to rejuvenate the doctrine of Arab unity.<sup>25</sup> Between 1952 and 1954, Nasser purged the ranks of Revolutionary Command Council of all opposition to his

policies, and then turned towards the realization of the two primary objectives of the revolution; i.e. the re-Egyptianization of his country and making Pan-Arabism the ruling ideology of the Arab world. Re-Egyptianization meant removal of backwardness of the country, and elimination of those social inadequacies and economic inequalities that had been the conspicuous aspects of the old order in Egypt. It also meant an end of feudalism, capitalism and imperialism. By 1958, Nasser's programme of Re-Egyptianization had been completed, opposition from every possible quarter within Egypt had been annihilated, and he was now ready to turn his attention whole-heartedly to Pan-Arabism. He was mentally at least prepared to interfere in the affairs of the other Arab states first indirectly and then directly, to coerce them to make Arab nationalism their only political gospel. Nasser's Arabism can be understood and interpreted strictly in terms of political and economic unity of the Arab states. The official Egyptian media and liberal intellectuals who had lent their support to Nasser worked continuously on this theme and spoke directly to Arabs in every state in the Middle East. During the end of the 1950's, certain Arab scholars had included Islam as an essential element of Arab unity, but this was not acceptable to Nasser and he denounced this trend vehemently. It was the reflection of the same attitude which he had shown in 1956 when he officially deleted Islam from the definition of Egyptian nationalism which stated, "Egypt is a sovereign state; it is a democratic Republic and the Egyptians are an integral part of the Arab nation."<sup>26</sup> "He evolved a new philosophy of Arab revolution, which at least for the time being captured the imagination of the Arab youth practically in every country in the Middle East. In his treatise *Philosophy of Revolution*, he stated, "The first of these sources lies in the fact that we are a group of neighbouring nations welded into a homogeneous whole by every possible material and moral ties that would unite any such group of nations."<sup>27</sup> And at another place in the same book he pointed out,

There is no doubt that the Arab circle is the most important and the mostly connected with us, its history merges with us, and we have suffered the same hardships, lived the same crises, and when we fell prostrate under the spikes of the horses of the conquerors, they lay with us.<sup>28</sup>

While Nasser's time and energies were being consumed in creating a political framework of Arab Union which would fit into the spirit of Pan-Arabism, in Syria the Bath Party accelerated its philosophical crusade to make Arabism a universally respected political ideology in every Arab land. The leaders of the Bath had been developing their philosophy since the 1940's, but it was in the 1950's, that they touched the crescendo of their popularity among the masses of certain Arab states. The principal

architects of this ideological edifice were Michel Aflaq and Slahud-din Bitar. These Syrian “professors” had a large following among the Arab intellectuals, prominent among them being Munif Bazzaz, Jamal Atasi, and Wahib al-Ghanim. Under the direct supervision of Aflaq and Bitar, the party published its paper al-Bath, to publicize the doctrine of secular Arab nationalism. In fact, *Marakat al-Masir al-Wahid* (The Battle for One Destiny) one of the two collections of Aflaq’s writings was a compilation of the editorials that he wrote for this paper between 1956-1958.<sup>29</sup>

Most of the disciples of Aflaq and Bitar came from the schools and colleges in which they taught. Aflaq had a reputation for honesty and simplicity. His greatest passion was Arabism — the *ummah* Arabiyah, which he argued had special role to play in the contemporary world. For him it was a truth so sunlit that it did not need any kind of evidence. Writing in 1940 he said, “The nationalism for which we call is the same sentiment that binds the individual to his family, because fatherland is only a large household and nation a large family.”<sup>30</sup> The opening article of the Bath Party’s constitution of 1947 stated, “The Arabs form one nation. The nation has the natural right to live in a single state and to be free to direct its own destiny” and then laid down the following principles to guide the Bath Party (Arab Resurrection Socialist Party) in publicizing its message for the popular consumption:

1. The Arab homeland is an indivisible politico-economic unit. It is impossible for any of the Arab regions to perfect the conditions of its life in isolation from the rest.
2. The Arab nation is a cultural unit. All of the differences among its members are artificial accidents which will cease to exist as a consequence of the awakening of Arab consciousness.
3. The Arab homeland belongs to the Arabs. They alone have the right to utilize its resources and its wealth and to control its potentialities.<sup>31</sup>

Peter Mansfield has summed up the ideas of Michael Aflaq, as the prophet of resurgent Arab nationalism in the following words:

“The ideas of Michel Aflaq, a withdrawn ascetic who has been called the “Gandhi of Arab nationalism” are idealistic and at times almost mystical. They owe something to Marxism and to romantic nineteenth-century German nationalism, but he gave them a specifically Arab character. He summarized the three Arab objectives as Freedom, Unity and Socialism, and his central slogan was “one Arab Nation with an Eternal Mission”. Freedom meant political, cultural and religious liberty as well as liberation from colonial rule. Unity meant not only the

political unification of the Arab peoples, but their regeneration through the release of the “hidden vitality” which is the true source of nationalism. Bath’s socialism was based less on socio-economic principles rather than on vague ideal of national moral improvement and neither Aflaq nor Bitar showed much interest in the adoption of specific socialist measures. All they said was that socialism was a means of abolishing poverty, ignorance and disease and achieving progress towards an advanced industrial society capable of dealing on equal terms with other nations.<sup>32</sup>

The Bath Party, in order to include the entire Arabic speaking population into Arab nationalism, had no hesitation in including even non-Arab territories like Iraqi Kurdistan and Bahr al-Ghazal, Upper Nile, and Equatoria provinces of Sudan, Cilician and Alexandrette in Turkey and Khuzistan province in Iran as part of its envisioned Arab state. Aflaq, however, showed that he would not be satisfied only with the creation of a unified Arab nation. That was only a prelude to the revolution which he called *Inqilab*, the term which he defined as a social program, and a psychic current meant to change people rather than the systems.<sup>33</sup> But this definition was not accepted by all the members of the Bath Party, because in Arabic language *Inqilab* also means overthrow of the government. There is no doubt about the fact that the Bath was the first systematic and organized movement which was totally committed to Arab unity. It was an opportune moment in the modern Arab history, because for at least twenty years, the Arab intellectuals had been nurturing an idea that all Arabic speaking people were one and as such had a fundamental right to be politically united. After World War II, France and England had been weakened, and colonies and protectorates of European powers around the world were resounding with nationalistic fervour and nationalist parties were making gains everywhere. In these circumstances, it was not difficult to convince the educated Arab youth that the division of the Arab world into separate states was a conspiracy of the outside powers, and the region could develop socially and economically only if this wrong was undone.

Although Aflaq and Bitar in their writings and statements ignored the question about the form of government that they would like to have for the Arab union, but several other leading figures in the Party were very vociferous in their advocacy of the representative form of government for the proposed Arab union. Munif Bazzaz a Bathist leader from Jordan tirelessly preached that the glory of the Arab community could be achieved only through a popular elected political system. Arab union would be a *ummah*, where human rights would be observed and



respected in fullness.<sup>34</sup> Zaki Arsuzi and Wahib al-Ghanim also felt the same way, and considered parliamentary democratic system, a positive guarantee against tyranny and a reliable defence for the preservation of human dignity. But the later circumstances in the countries in which the Bath Party had organized itself effectively, forced Bath leaders to give a second thought to their previously held views about democracy. The Bath Party participated in the Syrian elections of 1943, 1947, 1949, and 1954 and in the Jordanian elections of 1950, 1951, 1954, 1956, but the results were not so encouraging. In Damascus, only sixteen members were elected to the parliament. An additional factor responsible for the declining faith in democracy could be that some leading figures in the Bath Party had been from the beginning against democracy.

As years passed, the Bath Party started receding from the frontlines of the Arab politics and the time came when its appeal failed to attract any public attention. One could list several causes for the decline in the popularity of the Bath. In pursuit of their objective of social justice, the Bath leaders poured out a lot of venom against monarchs, landlords, and industrialists, and these powerful ruling elites used every possible strategy in their political arsenal to counteract this revolutionary movement. It is also an established fact that as an ideological party, the Bath's appeal was confined only to the educated classes and intellectuals. Moreover, the Party's organizational machinery lacked any consistent planning and effective operational mechanism. Members were recruited through personal contact and not by any systematic recruitment plan. Every one connected with this party would preach among relatives, neighbours, and friends. In Syria, the Bath was weakened because it was dominated by minorities like Alwi, Druze, Ismaili, and Christian, and as such it was seriously limited in its leverage with the Sunni majority. And lastly, the growing strength of the existing state system in the region weakened the ideology of Arab nationalism, which constituted the pivotal concept of the Bath movement.<sup>35</sup>

The above mentioned two streams of Arab nationalism – one represented in the charismatic personality of Nasser and the other outlined in the philosophical and ideological framework of the Bath Party, failed in their objectives and Arab nationalism turned out to be nothing more than a mirage. We have seen earlier that at the height of its popularity, Pan-Arabism shook the entire region with its “immortal mission.” In front of Nasser's colossal public image, other Arab rulers looked small and ineffectual. The wave of Arabism overwhelmed the youth everywhere. It was very difficult for any Arab ruler to disavow this political gospel, no matter how suspicious he was of its objectives, and legitimacy. But today, Arab nationalism looks like a remote echo of its

past thunder; and even the staunch protagonists of it are convinced that the state system that came into existence after World War I and World War II needs to be recognized as an established reality. The individual Arab states are no more labelled as freaks born out of European diplomacy and their rulers as “interim caretakers or obstacles to be removed.”<sup>36</sup> Therefore, to gain proper perspectives of the dilemma of Islam and nationalism we make a brief assessment of the causes and forces that led to the demise of the idea of pan-Arabism.

Historians of Arab nationalism generally agree that the Six Days War of 1967 spelt the swan song of pan-Arabism. The entire spectrum of Arab politics was in complete disarray. Nasser, the greatest high priest of this doctrine was a changed man. This was amply demonstrated in his compromises that he made with the late King Faisal of Saudi Arabia and the Jordanian monarch, both of whom were his greatest rivals. Once Nassers’ enthusiasm had cooled down, there was nobody either in Egypt or the rest of the Arab world who could ignite the same fervour for Arab unity which he had sparked ten years ago. Anwar Sadat was never idolized by the pan-Arab audience. The Palestinian nationalism that came in the wake of the Six Day War also dealt a serious blow to pan-Arabism. Yassir Arafat and George Habash were unwilling to make any compromise with the Nasserites on the right of the Palestinians to exist as an independent nation. The decline or what we might say the virtual end of the Bath Party was another powerful factor that killed the idea of a single Arab nation.<sup>37</sup> Moreover, pan-Arabism was a movement that was excessively intellectualized. Many of these intellectuals who first conceived this idea were living in Europe, and they spun their theoretical fame of reference without proper assessment of the realities that distinguished Arab civilization from the West. Fouad Ajami has explained the declining role of the Arab intellectuals in the following words:

Now the power of the intellectuals is waning, with a definite backlash in the Arab world against the written word and intellectuals. The beneficiaries are either men of affairs schooled in the hard knocks of politics— a Hafez Assad rather than Michel Aflaq — or development-oriented elites. In contrast to the literary intellectuals who dominated the early stage of Arab nationalism, the new elite is a more sober, less grandiose group — less likely to emphasize the abstractions of Arab unity, more sensitive to the realities of the ground or more committed to specific tasks. A nationalism that fails to create a political order cannot withstand the dissolution of its creed, and the intellectuals were temperamentally unfit to create such a concrete order. It is one thing to polemicize about the one nation and its metaphysical base, but quite another to erect it on the ground.<sup>38</sup>

Arab nationalism derived considerable strength from its confrontation with European imperialism. After its last ditch battle in the Suez affairs, imperialism completely disappeared from the diplomatic and political scene of the Middle East, and the new generation of the Arab youth had no emotional fuel to fire their imagination. Even the Arab-Israeli conflict had lost its earlier heat and intensity, and the Arab leaders were prepared to approach it with a different attitude. All these factors that have been discussed above, in one form or another, contributed towards the ultimate decline of Pan-Arabism, and the doctrine for all practical purposes seems to have faded away from the arena of practical politics in the Middle East. The above mentioned brief account gives an indication that since the turn of this century the world of Islam encountered two powerful waves of nationalism one territorial and the other cultural, linguistic and ethnic. Both in their ideological connotations were contrary to Islam. Therefore it is essential to find what kind of implications they had for the Islamic doctrine in the realms of national and international politics.

### **Islam and Arab Nationalism**

So far, our discussion has been confined to the secular aspects of Pan-Arabism as it manifested itself in Nasserism, and the ideology of the Bath Party. But this analysis will remain totally incomplete without relating it to Islam, a religious doctrine in which the scope of secularism in the Western sense does not exist. Moreover, in a Muslim state, where the bulk of the population repose unmixed faith in the religious doctrine, it is difficult to eliminate Islam from discussions relating to the political and social life of the community. Therefore, one is not surprised that secularists like Nasser, and even Christian protagonists of the Bath Party like Michel Aflaq in spite of their deep secular and socialistic proclivities could not ignore the sensitive area of religion in the formulation of the ideological basis of their thinking.

Therefore one is not surprised that even at the height of Arab nationalism in every discussion pertaining to it Islam was always considered a crucial dimension. It was effectively used to mobilize the masses. Arab nationalists differed from Turks in this respect, who in 1920 practically repudiated Islam. Ataturk and his associates rejuvenated pre-Islamic Turkish values and declared Islam an alien doctrine. The Arabs in spite of their deep-seated cultural nationalism could not do that. In fact, glorification of Islam is a part of their cultural nationalism. It is a matter of pride for them that Islam originated in Arabia, and its preservation therefore, is their cultural and national obligation.

This is true to a vast extent that if common history is a critical dimension of nationalism, then the first common historical experience of the Arabness arose when Islam forced them to abandon their viciously fragmented tribal life and welded them into a powerful national group; and they were enabled after this to harvest some of their greatest glories as a nation.

There was another important reason for the proponents of Arab nationalism to seek the crutches of Islam in publicizing their ideology among the masses. This was deemed essential because even at the time when Nasser's charisma was at its peak, there were powerful religious and political groups in the Muslim world who felt that nationalism, whether it concerned a small state or the entire region was against the spirit of Islam. Modern Muslim ideologists have often argued that the contemporary Western nationalism is easily comparable to the pre-Islamic *asabiyyah* in Arabia, which gave each tribe its group solidarity. It was considered to be the only touchstone of tribal loyalty. They point out that the Holy Prophet vehemently condemned this spirit, because it bred friction, hostility and insecurity and often led to bloodshed. He is said to have pointed out that those who practiced *asabiyyah* did not belong to his community. In other words, opponents of nationalism say that the present-day nationalistic fanaticism is only a modernized version of ancient *asabiyyah*.<sup>39</sup> Therefore, advocates of Arab nationalism had to devise some way of convincing the masses, that there was no contradiction between the message of the Qur'an and Arab nationalism.

It has been mentioned earlier that after the Six Day War of 1967, Nasser was a changed person. His fervour for Arab unity though still alive, declined considerably. He also realized the futility of unadulterated secularism and one finds in his later speeches and statements a growing reference to Qur'an and Islam. In February, 1970, while addressing 100 religious scholars from 35 Muslim countries in Cairo he stated,

On this occasion I am filled with hope to see Moslem ulemas meet for the sake of the victory of Arabism, Islam and righteousness. In many of its verses, the Holy Qur'an called for unity and solidarity to confront aggression and tyranny. I pray that God may guide Moslems all over the world to the right path.<sup>40</sup>

In his philosophy of Revolution, he again expressed the role of Islam in the life of the Muslim community as follows:

My faith in the magnitude of the positive effectiveness that could result from strengthening the Islamic tie that binds all Moslems grew strong when I accompanied the Egyptian mission to Saudi Arabia to offer condolences of the death of its great King. As I stood before the kaaba, with my thoughts wandering around every part of the world which Islam has reached, I fully realized the need for a radical change of our conception of the pilgrimage. I

said to myself: The journey to the Kaaba should no longer be construed as an admission card to paradise or as a crude attempt to buy forgiveness of sins after leading a dissipated life. The pilgrimage should have a potential political power. The world press should hasten to follow and feature its news not by drawing attractive pen pictures of its rites and rituals for the delectation of readers, but by its representation as a periodic political conference at which the heads of all the Islamic states — leaders of opinion, scientists, eminent industrialists, and prominent businessmen — assemble to draw up at this world Islamic parliament the broad lines of the policies to be adopted by their respective countries, and lay down the principles ensuring their close cooperation until they have again gathered together in the following session. They assemble, devout, but mighty; unambitious of power, but active and full of energy; submissive to divine will, but immutable in difficulties and implacable with their enemies.

They assemble, confirmed believers in the life to come, but equally convinced that they have a place under the sun which they should occupy in this life.<sup>41</sup>

At the philosophical or ideological level, the intellectuals who had been committed to Arab unity also found that unless some formula was found to show that pan-Arabism and Islam could be reconciled, their thoughts would remain hollow.<sup>42</sup> Among these intellectuals one could count ideologues like Michel Aflaq and Bitar, or scholars like Sati al-Husri who felt that without reference to Islam, response from the public in favour of Arab nationalism would be limited. Aflaq though a Christian had full awareness of the fact that Arab nationalism unless it rested on the firm rock of Islamic ideological framework, would not captivate the imagination of the Arab masses. Although occasionally students find it difficult to structure a coherent picture of his views about Islam because he has the tendency to wrap up his ideas in highly abstruse philosophical language, still one can easily construe from his writings that reconciling Arabism and Islam was among his foremost intellectual preoccupations. In 1943, when the celebrations of the Holy Prophet Muhammads' birthday were taking place, he issued the following statement:

The Arabs are unique among the other nations in that their national awakening coincided with the birth of a religious message, or rather that this message was an expression of the national awakening — as long as the affinity between Arabism and Islam is strong and as long as we see Arabism as a body with Islam as its soul, there is no room for fear of the Arabs going to extremes in their nationality.<sup>43</sup>

Aflaq also concludes that most of the Arab history has been dominated by Islam and this provides a powerful psychological thrust towards oneness. Moreover, the splendid literary heritage of the Qur'an is a powerful instrument of unity among the Arabs. But at the same time, he continues to emphasize that the envisioned Arab state would be secular, based on social and economic justice and freedom. He does not

want religion to be burdened with political pressures. It would be the moral and religious duty of those who presided over the destiny of such a state to eradicate atheism and corruption.<sup>44</sup> In his book entitled *Fi sabil al-bath* (toward the Bath), Aflaq devotes two lengthy chapters on religion. He maintains that without religion, political leaders and the masses would be separated by a yawning gulf of estrangement. He is convinced that Islam was used as an effective weapon against imperialism, and now could easily be manipulated to win support of the masses for the cause of Arab unity and strength.<sup>45</sup> In another statement, Aflaq summed up his view by saying,

so in the past the Muslim was the Arab, with faith in the new religion, because he combined the qualities necessary to understand that this religion represented a bold move of Arabism (*urubah*) toward unity, power and upward progress — the power of Islam — has revived to appear in our days under a new form that of Arab nationalism (*qawmiyat*).<sup>46</sup>

Outside the fold of the Nasserites and the Bath is, there were certain independent proponents of Pan-Arabism who had similar views on Islam and Arab nationalism. The leaders of this school of thought, instead of relating Arab nationalism to Islam came out with a new approach by which they tried to give Islam a new identity through Arab nationalism. This was, in their opinion, another way of proving that between Islam and Arab nationalism, there was no contradiction. Sati al-Husri was the most important protagonist of this intellectual trend among Arab nationalists. Husri was a prolific writer and his thoughts and ideas are spread over numerous books, articles, and lectures. He persisted in his idea that although Islam was not among the essential components of Arab nationalism, but he argued that its inclusion for the growth of national consciousness was an indisputable necessity. The bases of his thesis are that Islam, like Christianity, is a universal religion. It is expected to cast its spiritual umbrella over many nations. The bonds thus generated transcend language, race and history.<sup>47</sup>

An equally powerful advocate of the above approach was Abdul Rahman al-Bazzaz, an Iraqi lawyer, historian, and later in 1965 the Prime Minister of his country, who also wrote extensively on all kinds of subjects relating to modern Arab movements. He was a relentless advocate of Arab nationalism. In one of his speeches he said,

Just as Islam has been misunderstood, so has Arab nationalism. The reason for this may be that some think that nationalism can be built only upon racial appeal or racial chauvinism, and that it would therefore be contrary to the universal nature of Islam's — I do not know whether it is necessary for me to say that our call for Arab nationalism and for comprehensive Arab being does not under any circumstance, make us antagonistic to non-Arab Muslims; for as our national pact defines it, we consider the group of the Islamic peoples

the nearest of all other groups to us; we see in this group a great force which we cherish, and we work to strengthen the ties with it any to cooperate with it.<sup>48</sup>

But in spite of his desire to seek legitimacy from Islam for Arab nationalism, Bazzaz remained very sceptical about the political role of Islam. He said:

If we equate religion and nationalism, we would exclude one-tenth of the Egyptian population, and one-fifth of Syria and above one half of the population of Lebanon from Arab nationalism. We would also exclude a sizeable proportion of the Iraqis, Palestinians, Jordanians and Sudanese, as well as a great number of Arabs who have immigrated to America, Africa and the other continents — when we lose these millions of Arabs, the theory that Islam is an essential would have us consider — every Muslim in Asia, Africa and Europe as brother to the Arab Muslim — brother in the national sense, which means that the sons of the same nationality will have the same political destiny and one ultimate national interest, and requires the establishment of a social and political solidarity and association among them — Can the advocates of Islamic nationalism imagine the consequences of this type of thinking and the responsibilities and obligations, which are beyond our power and resources.<sup>49</sup>

Bazzaz went to the extent of saying that Muslim universalism was a myth. Islam emerged as a religion only for the Arab race, and the entry of the non-Arab nations into the fold of Islam, he felt had caused immeasurable damage to Islam and destroyed the solidarity of the Arab nation.<sup>50</sup>

Some Arab scholars in their search for the religious basis of Arab nationalism have tried to establish that the Qur'an is the primary source of Arab unity. In their opinion, the Qur'an is in the Arabic language and the terms and vocabulary in which the message is expressed were widespread among Arab tribes. This thesis is meant to prove that the Qur'an was specifically revealed only for the Arab race and as such, the millions of ardent devotees of the faith outside the Arab world in spite of their undiminished devotion to Islam could not be included along with the Arabs in the same commonwealth of believers. Ali Husni al-Kharbutli<sup>51</sup> says,

“The Qur'an is a holy book that was revealed to Muhammad. It is an Arab Qur'an revealed to an Arab prophet on Arab soil and transmitted by the Prophet to the Arabs, who have conformed to it and preserved it. Not surprisingly, therefore, the Qur'an is considered a factor in the manifestation of Arab nationalism — The Arab Qur'an was the miracle of the Arab Prophet. It is through him that God has challenged the Arabs.”<sup>52</sup>

A close examination of the writings of the above mentioned writers, however, always gives an indication that in spite of their interest in Islam as an essential element of Arab nationalism, they still remained primarily

secular in their outlook. Their main thrust is on common language, common sentiments, common history, common outlook, common hopes and expectations and common religion. Taha Husayn, one of the most outstanding Arab intellectuals of this century has described Arab nationalism in the following words:

This then is Arab nationalism. At first it was expressed in poetry, but was finally consummated in the Qur'an. It then began to assert itself peacefully throughout the ancient world until it came to occupy the place of the Roman and Persian empires. Even now, after all the disasters it has met with, all the persecutions it has undergone, especially at the hands of the Turks, all the centuries of weakness and stagnation, Arab nationalism still retains its language and its own distinctive mentality and emotions. Despite all the divisions, and despite the creation of states within the Arab world, our nationalism has preserved its common sentiments, common outlook, common Islamic religion, and common aspiration.<sup>53</sup>

### **Muslim Trans-nationalism**

No matter from what angle one judges the political scene of the Muslim world, the inescapable fact that seems to confront even a casual observer is that a state system modelled on the Western concept of territorial nationalism has established its firm grip over the destiny of the Muslims. In Europe once the Christian unity had collapsed, no effort was made to establish any relationship between Christianity and nationalism. This, however, could not be said about the Muslim world. Pan-Islamism, or the undeniable unity embodied in the conceptual framework of the *ummah*, is not a closed chapter of the modern history of Islam. Rampant nationalism and the unmixed patriotic fervour that accompanies it, judged superficially, appeared to have rendered the ideal of *ummah Islamiyah* a myth, and put proponents of Muslim universalism at a grave disadvantage. All of them are criticized as retrogressive and reactionary who have failed to understand the pulsating political realities of the twentieth century. But in spite of these revolutionary developments, in the Muslim world, Islam still remains a very critical dimension of the national and international policies of the Muslim states. We have already seen that how tactfully the advocates of Pan-Arabism had tried to manipulate Islam to strengthen the forces of Arab nationalism. They were fully aware of the fact that without demonstrating philosophically, that Arab nationalism and Islam were not contradictory, the receptivity of the idea of Arab unity among the masses would be very limited. The same baffling dilemma stares the statesmen and scholars of other Muslim nations in the face, as they go about convincing the people that patriotism, or love for the country is a key to the success and glory of the nation in every field of national life. The only way to mitigate the



anguish of this dilemma is to make a critical and indepth analysis of the relationship between Islam and territorial nationalism.

There are unbridgeable gaps in the approaches of various Muslim scholars on this issue. There is a powerful school of thought whose protagonists with firmness and conviction believe that nationalism as it is understood in the political vocabulary of the West, is completely alien to the Islamic thought. It is considered to be the basic factor that has denied the Muslim world of its ideological unity, political solidarity and economic prosperity. The Islamic revivalists of all shades of opinion are unanimous behind this view. Hasan-al-Banna, Navvab Safavi, Sayyid Qutb, Muhammad Ghazzali, and Abu Ala Maududi all have taken a positive stand against all kinds of nationalism. The proponents of nationalism on the other hand believe that it is primarily an ideological tool, meant to solidify a fragmented society into a compact whole. It has also been advocated as a very effective instrument in the fight against imperialism. The staunch revivalists on the other hand point out that we don't need nationalism to defeat imperialism. Islam in their opinion has enough strength to successfully fight oppression and exploitation of any kind. They tend to adhere strictly to the traditional concept of *dar al-Islam* that transcends boundaries of the Muslim states. The advocates of Muslim universalism start their argument by looking into the contents of the Qur'an and the dictates of the *Shari 'yyah* in this matter.

There are numerous verses in the Qur'an and many authentic Traditions of the Holy Prophet which leave no doubt that message of Islam was for the entire human race. The Qur'an says, "O Mankind, surely you are the ones who have need of God; He is the All-Sufficient, the All-Praised. If He but wills He can do away with you and bring a new creation: surely is no great matter for God".<sup>54</sup>

The Qur'an intends to establish one commonwealth of believers, a single community united with no other bond except the religion, in which all are equal, and piety alone established superiority of one over another. A verse in the Qur'an says:

Let there be one community among you, inviting men to good, bidding to honour, rejecting what is disapproved; such are those who prosper. And be not as those who divided and fell into disagreement after the clear signs had come to them; for them there is mighty punishment.<sup>55</sup>

Another verse of the Holy Book has elucidated the universality of its message as follows: "Verily in this is a message for any that has a heart and understanding or who gives ear and earnestly witnesses the truth".<sup>56</sup>

In the Traditions of the Holy Prophet there is also a message for all Muslims and not Muslims of any particular race or nationality. Bukhari reports that the Prophet said, "None of you truly has the faith, if he does not desire for his brother Muslim which he desires for himself." In another Tradition, the Messenger of God said, "The Muslim is the brother of the Muslim; he shall not do him wrong or let wrong be done to him." Ibn Ishaq reports that the Prophet said, "Know that every Muslim is a Muslim's brother and that Muslims are brethren."<sup>57</sup> The concept of universality in Islam is so indisputable that it has never been questioned at any time by Muslim or non-Muslim writers. The concept of the sovereignty of God and comprehensive nature of the Islamic law and its interpretations by leading Muslim Jurists leave no doubt that to link believers irrespective of their racial, and territorial affiliations is one of the greatest contributions of Islam. It is not a oneness in spirituality alone that binds believers together. It is a reality which is indexed in all their affairs. The annual pilgrimage, which is one of the most important pillars of the faith is an impressive spectacle of the oneness of the Muslim community. Even non-Muslim writers acknowledge that according to the Qur'anic precepts religion binds all members of the faith from every part of the globe into one universal fraternity. Groups that emerge, and the associations that are formed do not hamper the path of the brethren of the faith to unify their ranks. For a Muslim the identity crisis arises only when he deviates from his religion, and looks with scepticism on its principles which have been the source of its solidarity and the cause of its lightening spiritual, moral and political triumphs from China to Barbary. This fact has been acknowledged fully by non-Muslim writers. H.A.R. Gibb says:

The social teachings of Muhammad was basically a reaffirmation of the ethical ideas common to the monotheistic religions; the brotherhood of all members of the Islamic community, their equality in intrinsic personal worth in spite of differences of temporal status, function and wealth and all the mutual relationships and duties following from these principles, deepened by being stated in terms of inward loyalty and outward obligation to one God.<sup>58</sup>

Muslims, particularly those who are devout and orthodox in their views, even when they are surrounded by widespread spiritual and social decadence continue to believe in the ultimate superiority of their religious doctrine. They conclude that the Holy Prophet was the last of the Gods' great messengers and the message that he brought to the mankind was the perfect culmination of all previously revealed scriptures. The Qur'an has been explicit and lucid in its emphasis in telling the Muslims, "you are the best nation raised up for men; you enjoin good and forbid evil, and you believe in Allah. And if the People

of Book had believed, it would have been better for them.”<sup>59</sup> They still remember with romantic nostalgia the early dynamic character of the Faith, and nurture their mind on the sweet memory of the triumphs of the past when a handful of their ancestors within hundred years after the death of the Prophet, built a kingdom twice the size of the Roman empire, and became the mentors of mankind, and created a civilization whose armies won battles, its decrees were obeyed, its letters of credit were honoured, its architecture was magnificent, its poetry charming, its scholarship imposing, its mathematics bold, its technology effective.”<sup>60</sup> As residents of *dar al-Islam* they once enjoyed the fruits of victory against *dar al-Harb* and lived in happiness and prosperity. The realization that Islam once was so glorious, had decayed, weakened and declined, rips their soul with anguish. After the great crusades, the diplomatic or political contact with the world of Islam and the West was almost non-existent. After Napoleons’ invasion of Egypt in 1798, the West started making effective and successful military in roads and in a short period of time it was able to demonstrate its superiority in every field of human activity. It was; not merely an armed confrontation between two traditional rivals, to use Toynbees’ phrase, it was “encounter between civilizations.”

The intensity of this clash between two civilizations reached its highest waterworks near the close of the nineteenth century, and became the primary propulsion behind the rapid spread of Pan-Islamism as preached from pulpit and platform by Jamal-al-Din Afghani and his disciples in various Muslim countries. Hans Kohn has described the rise of Pan-Islamism in the following words:

The end of the nineteenth century witnessed a Pan-Islamic movement which had its roots partly in the needs of the Turkish Empire, partly in the revival of faith by the *Wahabis*, partly in the example of the West, but which at all events represents an impulse to resist and repulse the attacks of the Europeans Powers. Ever since the beginning of the nineteenth century, Islam had felt itself in peril. Province after province was torn from its group and it seemed as if, slowly but surely, all Mohammedan states were to fall under the sway of unbelievers. The era of the Crusaders was recurring. Not infrequently they were called to mind by the European States themselves. English liberal politicians of the nineteenth century, especially Gladstone, were guided by such a conception. Even the Balkan War of 1912 was waged in that spirit. The cross triumphed over the Crescent. The idea of uniting all Mohammadans in a common defensive struggle against European attacks seemed obvious.<sup>61</sup>

Panism or trans-nationalism is not a particularity of the Muslim nations only. Sentiments of political unity and movements for such unions have been a common feature of human civilization. In recent history, we often read about of pan-Americanism, pan-Africanism, and

most recent of them all, pan-Europeanism. The ideological motivation behind those movements however was mostly political, ethnic, racial, linguistic, and cultural. Pan-Islamism, is perhaps the only movement of its kind in which the primary thrust is religion. It is for this reason that Muslims speak of unifying the world of Islam, language, culture, race, territorial contiguity, ethnicity and political ambitions are never mentioned. *ummah* is a commonwealth of believers, in which religious belief is the cornerstone of the concept. A unity of this kind is an integral part of the faith.

During the second half of the nineteenth century, Pan-Islamism as a political phenomenon reached its crescendo under Ottoman Sultan Abdul Hamid II. In the midst of economic and political chaos that engulfed the empire, and symptoms of its disintegration became glaringly visible, the Sultan felt that Pan-Islamic unity which was an integral part of faith could be resuscitated as an international political pressure to dissuade European powers from interfering in the internal affairs of the Ottoman Empire. Ottoman consultations abroad were instructed to make propagation of Pan-Islamism their primary responsibility, and Sultan Abdul Hamid established new consulates as far as China, India, Africa, Japan, and many other important regions of the civilized world.<sup>62</sup> To further strengthen the movement the Sultan was instrumental in sponsoring and supporting Pan-Islamist societies even in Europe. Arminius Vambery has described one such society as follows:

Pan-Islamic Society established in London, in 1886, under the protection of the Sultan of Turkey, the Khedive [of Egypt], the Amir of Afghanistan, the Sultan of Morocco, and others, with the professed object of bringing about a fraternization of all Moslems all over the world but which so far has only a very limited circle of activity. The society has not the necessary means, nor is London the place from which a sufficient influence can be exercised upon the Islamic world.<sup>63</sup>

Times were so turbulent and odds against the decaying Ottoman Empire so great, that the weak and fear-stricken Sultan was prepared to adopt even clandestine means to instil among Muslims in all parts of the world to follow the dictates of the Qur'an with regard to the unity of believers and muster around the caliphate, an institution that had been the cornerstone of the edifice of the Islamic civilization. They were reminded that under caliphate authority, Muslims were unified as one trans-national fraternity of believers, and due to this unity, their achievements in every area of human activity were spectacular. The emissaries of pan-Islamism were sent under the guise of preachers, teachers and missionaries, so that they could not be detected by colonial

authorities. Vambery has described the network of such agents of pan-Islamism as follows:

Messengers under the guise of religious preachers and expounders of the Koran were sent to all quarters of the globe proclaiming the pious feelings of the Khalifa, and exhorting the true believers to preserve in their faith and to unite in a common bond in defence of Islam. These seemingly unofficial missions were from time to time answered by delegations from Bukhara and Afghanistan, as well as by learned Mohammadans from India.<sup>64</sup>

Within the Ottoman Empire the rulers, writers, journalists and intellectuals were publicizing Pan-Islamism from platform and pulpit, showing unity of the Muslims of the world under the religio-political canopy of Ottoman caliph was the only protection against intrusive European imperialism, which had emerged as the biggest threat to the ideological strength of Islam in the world. At the beginning of this century Ahmed Hilmi edited a Turkish periodical called *Hikmat* and in his *Guide to Politics for the Twentieth Century World of Islam* and for the Muslims of Europe published in 1911, he dwelt on the necessity of the unity of the Muslims within the empire and tried to establish that unless Muslims of the world closed their ranks the empire could not survive. Almost at the same time as Ahmed Hilmi published his treatise on Muslim universalism and unity, another Turkish intellectual, published a small pamphlet by the name of *Esat* (The Union of Islam). He argued Muslim unity was the key to the future survival of Islam, and without it happiness and stability could not be assured. He also advocated that the Caliphate was already in existence, towards which believers could gravitate because the institution had been hallowed with sanctity for centuries. *Esat* was among the very few writers on pan-Islamism, who in precise terms determined the geographical landscape of envisioned union of the Muslim status, and demonstrated the territorial feasibility of the design. Landan has summarized *Esat's* thesis as follows:

From the Danube to Istanbul the entire littoral of the Black Sea, North Africa (including Egypt, Tripolitania, Tunisia, and Algeria), the Red Sea with both its shores, South India, Sumatra, Java and the neighbouring islands inhabited by Muslims, Central Asia (including the Tatarlands, Bukhara, Afghanistan, Iran, Beluchistan, and the Muslims in China) — all obeying the Caliph in Istanbul.<sup>65</sup>

The propagation of Pan-Islamism, during this period was not only confined to the Ottoman rulers and Turkish intellectual. Outside Turkey also reformers and statesmen spoke vociferously of Muslim unity as a powerful weapon against Western imperialism and an ideological instrument that could help them to regain their lost international prestige. Jamal-al-Din Afghani kept Pan-Islamism an objective of high propriety

in his political agenda. He gave lucid expressions to his feelings towards this subject in an article entitled *al-Wahda al-Islamiyyah* (Muslim Unity) published in *Urwa al-Wuthqa*. This article was reprinted with an introduction by a noted Egyptian scholar Mustafa Abdul Raziq (1886-1947) in 1938. Afghani reminds the Muslims that they were spread from Morocco in the Maghrib in the West to Tokin China, in the East and from Fezzan in the north to Sarandib near the Equator in the south. In his opinion the vast tracts of territories in this large area were inhabited by millions of Muslims. They established powerful kingdoms, ruled by brave and competent monarchs who built immortal monuments to decorate this planet. In art, science, craft and industry Muslims were unsurpassed. Their cities were emporiums of civilization in which knowledge, learning, trade, commerce and scholarship were abundantly conspicuous everywhere. Jacob Landan has summed up the Pan-Islamic contents of this article as follows:

The Muslims numbered no less than 400 million, and their hearts were stout and ready to die as martyrs in war. The Qur'an had made them enlightened and moral. They did not wish to be governed by non-Muslims, even when the rule of others was compassionate. Due to their brotherhood-in-faith, each considered himself subjugated if a Muslim community fell under foreign domination.<sup>66</sup>

Afghanis primary appeal for Islamic unity rested on the Qur'an and the memory of the past. The Qur'an had eloquently described the undying brotherhood of the Muslims around the world and the past historical accounts of the rise of Islam showed that the idea of Muslim unity was practical and feasible.

Muhammad Abduh (1849-1905) as a disciple and collaborator of Afghani was no less enthusiastic about Pan-Islamism in the beginning of his career. But after assuming the position of Grand Mufti of Egypt his interest in politics declined considerably and his previous romantic dream of Islamic unity also became foggy and unsure. He continued to propagate that Muslims must unite against their enemies, but he steadily started feeling that for Muslim states to unite into a common political bond was beyond he realm of feasibility. He gradually came to the conclusion that *Wahdat* referred so frequently in the Qur'an was basically a spiritual and social unity. Even *Hajj* he said had no political connotations. It was simply an act of piety, giving the Muslims of the world an opportunity to socialize, and exchange their ideas about matters mostly non-political.<sup>67</sup>

Even after the turn of the twentieth century when nationalism was on the rise in many parts of the world, turns- nationalism of Islam was still powerful theme among statesmen and scholars of Islam. Even as

staunch a nationalist as Mustafa Kamil of Egypt is an article published in La Figaro in 1903 showed his enthusiasm for Pan-Islamism in the following words:

There is a lot of talk in Europe about Muslims uniting. They consider it a great danger to peace and more evidence of Islami's mythical fanaticism. We must place everything in this context forcefully to refute this charge, since Islam has prescribed mutual assistance by Muslims as a pre-condition for their strength and military preparedness — although the stupidity of some [local] princes/rulers (*umara'*) and the ignorance of the rabble have undone the bonds of unity between the Islamic for past centuries, tempting Europe to enslave them one after the other. But the covert Crusader Wars that Europe wages against Islam have altered the Muslims to [the necessity for] mutual love and maintaining interest in each other's affairs and for rallying around the banner of the Sultan, who is at once the Commander of the Faithful (*Amir al Mu'minin*) and their Khalifah (Caliph), that is to say the religious and political head of the whole Muslim world.<sup>68</sup>

With minor contradictions that one notices in his statements, Afghani, remained consistent in his advocacy of pan-Islamism. In one of the editorials of *Urwa al-Wuthqa* which he and Abduh jointly edited from Paris he stated that Islam is the only bond of unity that “has made the Muslims shy away from the consideration of nationality and refused any kind of *asabiya* except Islamic solidarity.”<sup>69</sup> At another place in the same journal, Abduh pointed out that among the most important reasons for the present weakness in their state of knowledge and their power is the conflict among seekers of power in their ranks (i.e. the Mohammadans). We have already proved that Muslims can acquire nationality only through their religion.<sup>70</sup> After Afghani and Abduh, the theme of Pan-Islamism remained an important element of the religious writings of Rashid Rida the editor of *al-Manar* and the founder of Salafiah Movement. In 1923, he wrote his famous treatise *al-Khilafa aw al-imamah al-uzmah* (The Caliphate or the Supreme Imamat). The book was first serialized in his journal. In it he propounded the classical theory of the Muslim state and explained that the presence of Caliphate, to which all the Muslims of the world were linked was an inescapable necessity for the political and spiritual health of the community.<sup>71</sup>

The students of modern Islam are familiar with the fact that in every controversy regarding the future of Islam, the Muslims of the sub-continent of India and Pakistan have always been very active participants. In this debate about Islam and nationalism, also, some of their scholars and philosophers entered with undiminished missionary zeal and zest. The most prominent among them who waged a lifelong crusade against territorial nationalism which had fragmented the world of Islam into scores of national entities, was Sir Muhammad Iqbal. At the

turn of this century when Iqbal began his poetic career, he wrote some thrilling poems that pulsed with the enduring sentiments of nationalism. But after 1908, his thought passed through traumatic transformation. His early enthusiasm for nationalism faded fast and he emerged as one of the greatest Pan-Islamist of this century. Some of his most beautiful poems are radiant with the impeccable imagery of his poetic genius and he laments the disappearance of Muslim universalism. *Shikwa* (complaint) *Jawab-i Shikwa* (Reply to the Complaint), *Shama awr Shair* (The Poet and the Candle), *Khizr-i Rah* (The Guide) and *Talu'-e Islam* (The Rise of Islam) describe Islam's past glories and its present anguish and frustration with a grandeur of words and imagination which is unique in the history of Urdu literature. *Jawab-i Shikwa*, which was read at a public meeting at Lahore in 1913, was held to express sympathy and admiration for the gallantry with which the Turks were fighting in the Balkan wars. The entire poem is a masterpiece of eloquence and shows immeasurable depth of sentiments, and portrays the reasons why Muslims of the world need to be united. In a passage of the poem he vehemently criticizes the Muslims and holds them responsible for their own downfall. God who made them great in the past is the same. His benedictions are the same, but it is Muslims who have changed, and have dispossessed themselves of the qualities which entitled them to be the recipients of God's eternal blessings. Men generally get what they deserve. A seeker can always find what he aims at. The Muslims of the past were earnest and sincere in their devotion to Islam as such their rewards were great. The attitudes of the present day Muslims are un-Islamic because they have destroyed the universality of the *millat*, and have divided this commonwealth of believers into local entities based on race and territory. The Muslims of the world have one Qur'an, One Faith, One Belief, One Ka'aba, and One Qur'an and there is every reason for them to be united as one nation.<sup>72</sup>

Iqbal was convinced that the rise of nationalism and its growing popularity among the Muslim masses was the biggest threat to Islam that it had encountered since the days of the Holy Prophet. In the early history of Islam, there were bigger crises, but when the leaders were honest, sincere and pious, no serious damage occurred to the religious doctrine. In modern times, he found the situation among the Muslim nations very critical and the quality of leadership very poor. In a verse in *Bal-i Jabril* (Gabriel's Wing), he compares the battle between religion and nationalism to the battle of Khaiber which was one of the most decisive battles of the early Islamic history in which the heroic leadership of Hazrat Ali saved the infant nation from annihilation.<sup>73</sup> Even in theory he saw nationalism very deficient and inadequate. He saw in it symptoms of



moral decay of mankind, because it produced destructive passions and wild emotions. Any concept which had nothing to offer except bitterness and hostility, according to Iqbal, was a threat to human peace, order and understanding. In many circles nationalism was being worshipped as a deity but as a true Muslim this was spiritually nauseating to him. In his opinion, men have the tendency to create new gods and in the modern worlds the biggest one is patriotism, and all its attributes are derogatory to the spirit of religion.<sup>74</sup>

According to Iqbal, notion like sovereignty of the state, and sanctimonious character of the boundaries drawn around it are completely alien to Islamic faith. The collective existence of the Islamic community is not based on family ties, and ethnic connections. The unity among Muslims is rooted in religion. If Muslims want to solidify their ranks, their only option is to strengthen the bonds of religion. If they fail to abide by religion, the *millat* would be fragmented, and once this happens that would be its swan song.<sup>75</sup> He thinks that the rise of nationalism in the Muslim world is a conspiracy planned by the Western powers. The purpose of the whole design is to weaken Islam as a dynamic force in the political and social life of mankind.<sup>76</sup> To watch each Muslim land struggling and fighting to create an independent niche for itself in the family of nations was a ghastly spectacle for Iqbal, and he was convinced that once nationalism becomes a part of Muslim political philosophy, the nations of Islam would be embroiled in chronic disputes. This theme is repeated frequently in different forms in his writings. In *Javid Nama*, at one place, he condemns the West for perpetrating such a deceptive and dangerous concept among the Muslims and suggests to his coreligionists to outlive this phase of their history which has divided them into Iraqis, Syrians and Palestinians.<sup>77</sup> In a letter to R.A. Nicholson, the renowned Orientalist who translated his poem *Israr-i Khudi* (Secrets of the Self) into English, Iqbal explained to him his view on nationalism in the following words:

Since I find that the idea of nationality based on race or territory is making headway in the world of Islam, and since I fear that the Muslims, losing sight of their own ideal of universal humanity, are being lured by the idea of a territorial nationality, I feel it is my duty as a Muslim and a lover of all mankind, to remind them of their true function in the evolution of mankind. Tribal or national organizations on the lines of race or territory are only temporary phases in the infolding and up bringing of collective life, and as such I have no quarrel with them; but I condemn them in the strongest possible terms when they are regarded as the ultimate expression of the life of mankind.<sup>78</sup>

Near the close of his life Iqbal entered into public debate with Maulana Hussain Ahmad Madni, a leading religious scholar of his time.

Maulana Madni was a leader of a school of thought among Indian Muslims who had affiliated themselves with Indian nationalism and believed that Muslims could coexist with Hindus, although the latter were in majority, as one nation. In a statement the Maulana said, "Nations are made by territory." Although Iqbal was seriously ill at the time, however he decided to give a detailed refutation to this statement. He wrote some very forceful, verses castigating Mawlanas' contentions and pointed out that to say that nationalism is not contrary to Islam is highly sacrilegious, and the gravity of this increases manifold when it is committed from the pulpit of a mosque. He charged Maulana of being completely ignorant of the mission of the Holy Prophet. These sentiments he expressed in a poem in *Armughan-i Hijaz*, and told the Maulana that he should search for light in the life of Holy Prophet and if he could not do that he was ignorance personified.<sup>79</sup> The shock of knowing that an un-Islamic idea was being preached as a sermon by such an eminent religious scholar, however, was so great that he did not content himself by writing only versified diatribe, but decided to make a detailed examination of the whole issue which would be authentic enough to satisfy religious savants like Maulana Madni. He issued a long statement arguing that the charge that his hostility to nationalism was motivated by political expediency was wrong.<sup>80</sup> He confessed that the love for the land of ones' birth was a legitimate sentiment, but the contemporary nationalism, he pointed out, was not a simple love of the land; it was a militant code of action and a way of life which clashed seriously with Muslim universalism. Islam, he said, is also a code of action and Muslims are enjoined upon not to make any compromise with any other code of action. Referring to Maulana Madani he said, "No one else knows it better than Maulana Hussain Ahmad that in its principles of human association Islam admits of no *modus vivendi* and is not prepared to compromise with any other law regulating human society."<sup>81</sup> In this statement, Iqbal elucidated in depth his views about *Qawm*, *Millat*, and *ummat* in the light of Qur'anic precepts. He said:

Had the Maulana sought evidence from the Qur'an, I am confident, the solution of this problem would have automatically suggested itself to him... Has not the word '*qawm*' been used hundreds of times in the Qur'an? And has not the word '*millat*' occurred repeatedly in the Qur'an? What do *qawm* and *millat* mean in the Qur'anic verses? Are these words to denote the followers of the Prophet? Are these words so divergent in meaning that because of this difference one single nation can have different aspects, so much so that in matters of religion and law, it should observe the divine code, while from the view-point of nationality it should follow a system which may be opposed to the religious system... What I have said above means that, so far as I have been able to see, no other word except *Ummat* has been used for Muslims in the Holy Qur'an. If it is otherwise I would very much like to

know it. *Quam* means party of men, and this party can come into being in a thousand places and in a thousand forms upon the basis of tribes, race, colour, language, land and ethical code. *Millat*, on the contrary, will carve out of the different parties a new and common party. In other words, *Millat* or *Ummat* embraces nations but cannot be merged in them.<sup>82</sup>

In the case of Indo-Pakistan sub-continent, it is surprising that among the leading protagonists and defenders of nationalism there were two religious scholars of indisputable eminence. We have seen above the views of Maulana Hussain Ahmad Madani, and the intellectual warfare between him and Iqbal. The second theologian, a contemporary of both Maulana Madani and Iqbal, was Maulana Abdul Kalam Azad who held a firm belief that there was no contradiction between Islam and nationalism. While Iqbal started as a nationalist, but then matured into an ardent Pan-Islamist, Azad on the other hand during the *al-Hilal* and *al-Balagh* (Two papers that he edited) era was a fervent devotee of Islam's glorious past and its universalism, but underwent a revolutionary change in his views when he became a very outspoken defender of Indian nationalism. All his life, he opposed the separatist trends among the Muslims of India and remained one of the most stubborn opponents of the Pakistan movement. In pursuit of his conviction in this matter he staked everything. Once the idol of the Muslim masses, he closed his career in complete isolation from his community and died with a soul completely stifled and frustrated. In his famous work *Tarjuman al-Qur'an*, particularly in the commentary of Sura Fatiha, he tried to establish that "the Qur'an does not ask followers of other religions to accept Islam as an altogether new faith. On the contrary, it asks them to return to the true form of their religion."<sup>83</sup> Azad made a sharp distinction between *Din* and *Shari'yyah*. He believed that *din* was one while *Shari'yyahs* could differ from one religious system to another. All these interpretations on his part were meant to force Muslims to merge themselves in the Hindu dominated Indian nationality. M. Mujeeb, who himself was a staunch nationalist, concluded that the Maulana Azad's interpretation of the religious doctrine to support nationalism was completely out of line from the accepted ideological basis of Islam. He said:

One can not say whether Maulana Azad realized the full implications of this doctrine. If the one God whom all worship revealed all the religions that centre around the belief in Him, His providence, His graciousness, His mercy and His guidance, and the mission of Islam was to make believers in one God realize that there was a spiritual bond uniting them all, then the fact of the Muslims regarding themselves as a separate community must be considered an historical accident and not a doctrine of Islam. Maulana Azad emphasizes the difference between *din* and *shari'yyah* and holds that while *din* is essentially one, there must be a variety of *shari'yyahs* in view of the diversity

of circumstances in which human groups have developed. These *shari'yyahs* need not be exclusive or antagonistic; if they are they need to reform in the light of the fundamental principles of *din*. The *shari'yyah* of Islam, however one may think of it, is also the result of an historical development. It ought not to be exclusive in spirit when the *din* is inclusive; and if, in any instance we find that it divides where it should unite, the validity of the relevant injunctions should be examined — but if we adopt the attributes of God and the universal quality of *din* as our criterion, the results might be explosive enough to destroy the distinctions created between Muslims and monotheists professing other religions. The Muslims would then have no justification for confining their thoughts and activities to their particular community. They would have to be as universal in spirit as Islam. During the days of the Khilafat and non-cooperation movement, Maulana Azad made his own position perfectly clear. He asserted that any form of association with the British government in India was a repudiation of Islam, and that friendship and cooperation could make Muslims and Hindus into an *ummah al-wahidah*. His authority for this assertion is that the Prophet Muhammad used these very terms in an agreement with non-Muslim tribes settled around Medinah, but in fact his view was based on the deep conviction that such friendship and cooperation was a fundamental injunction of Islam represented its true spirit. This view is diametrically opposed to the *fiqh* and has not been regarded worthy of consideration by the most liberal interpreters of the *shari'yyah*. It would not be an exaggeration to say that in holding this view Maulana Azad stood absolutely alone, for Indian Muslims and non-Muslims all disagreed with him in principle.<sup>84</sup>

During the Inter-war period (1919-1939) interested leaders in the Muslim world made sporadic efforts to re-activate politics of Pan-Islamism. First to do so was Hussain of Makkah (1853-1931) popularly acclaimed as Sharif of Makkah. In July 1924, during the *Haj* (Pilgrimage) he made use of the presence of numerous official and non-official delegations in Makkah and convened conference to seek international legitimacy to his caliphate. The conference however, was marred by many differences and no tangible results came out of it. In October 1924, King Abdul al-Aziz Ibn Saud (1880-1953) conquered Makkah and that spelt the demise of Hussain caliphate claim. In 1926 Egyptian ulema in all probability at the behest of King Fuad (reigned 1923-36) convened a conference in Cairo. In all 39 Muslim leaders from various parts of the world attended the convention, but they were all unofficial delegates. None of them had been sponsored by his government. Participants agreed about the need and necessity for the existence of a caliphate, but at the end of a prolonged debates and discussions concluded that under existing international circumstances it was not practical. Conferences with similar results were held in Jerusalem 1931, and Geneva 1935. All these conferences were raked with acrimonious discussions, about religious Pan-Islamism and political Pan-Islamism, but the realities of world politics had changed so

dramatically that trans-national institutionalization of the concept of *ummah* did not seem pragmatic or a genuine political wisdom.

When World War II started in 1939, Islamic universalism was still a part of a Muslim faith, but it had ceased to be politically relenting in practical politics. Pan-Islamism was almost forgotten when Iqbal died in 1938. Only Salafiah movement and Ikhwan al-Muslimeen in Egypt still paid some homage to this concept and considered it an integral part of the religious doctrine. Twenty years after the end of World War II the political map of the world was still being reshaped by victorious powers, and many Muslim lands after decolonization were still struggling to overcome teething troubles of nation-building. It was in these times of turbulence, which produced widespread frustration, that the seeds of present day Islamic resurgence were first sown. The movement acquired momentum very fast, and Islamization of socio-political institutions, resuscitation of the pristine Qur'anic precepts because the abiding passion with the leaders of the newly emerging militant Islamist groups. It was in the ideological milieu of these movements that in the mid-sixties the idea of Muslim universalism again surfaced with its intrinsic intensity.

The religious revival in the Muslim world produced strong revulsion against nationalism whether cultural or territorial. All the leading exponents of this Islamic resurgence declared the unity of the Islamist movements. Both from platform and pulpit they harangued their listeners that on the new world order being prepared by the western powers for the twenty first century, one billion Muslims in the world could have a deep impact only if they were united in defence of their common goals and objectives. Speeches and writings of such stalwarts of present day forceful advocacy of the Islamic view of life, as Maulana Abul Ala Maududi, Imam Khomeini, Dr. Ali Shari'yyahti, Sayyid Qutb and numerous others are replete with repeated emphasis on the trans-national conceptual framework of Islamic *ummah*.<sup>85</sup> Islamic resurgence has generated a growing consciousness among Muslim nations that they share a common cultural heritage, as embodied in the Qur'an and Sunnah of the Prophet. The impact of that bewildering diversity that emerged as Islam stepped out of Arabia, and captured lands with well established cultural and religious norms of their own seems to be declining. In the past, the yawning physical distances that separated Muslim countries, did not allow the consciousness to provide the world of Islam with a strong overarching sentiments of unity and solidarity. For the first time the spirit of *ummah* (Universal commonwealth of believers) the ideal which the Qur'an has specified in unmistakable terms, but which some how remained elusive, seems to be gaining considerable maturity and

popularity among all segments of Muslim societies. Malise Ruthven has explained this phenomenon in the Muslim world as follows.

Every year as the world grows smaller the Muslim countries are drawn closer together. For all the diverse and multiform ways in which the Divine Idea has manifested itself in their societies, they share a common heritage, and what is more important, the consciousness of this. Their number includes some of the worlds' wealthiest as well as poorest population. Yet in the Qur'an and Sunna they share a set of common cultural references and a doctrine which lays particular stress on social justice, and communal solidarity. The Qur'an is a sustained polemic both against the kind of tribal particularism we would now call nationalism and against social and economic inequalities.<sup>86</sup>

The above examination of the ideological framework of Islam, gives a clear indication that Islam and nationalism are very hard to reconcile.<sup>87</sup> But this does not resolve the dilemma that has baffled the observers and commentators of modern Islam for the last hundred years. The fact of the matter is that Muslim universalism, which has always been accepted as an integral part of the religious doctrine, has seldom been put into practice in its true spirit. The institution of caliphate gave to the Muslim world only a symbolic unity otherwise the Muslim empire was always fragmented into independent sovereign states. Today even that symbolic unity had disappeared, and nearly fifty independent Muslim states are being ideologically nurtured on the Western style nationalism. Muslim leaders and rulers are preaching from street-corner and house-top patriotism as a secular religion, although religious scholars, and the leaders of fundamentalist organizations continue to advocate that without some kind of Pan-Islamic framework the future of Islam and material prosperity of its adherents would remain in jeopardy. The secularist, and the nationalists, on the other hand, argue that the reversal of the present state system from the Muslim world would be disastrous and outrageously against the logic of the situation. They do not see any possibility of the emergence of a movement which would facilitate institutionalization of the Pan-Islamic propensities of the religious doctrine. In their opinion, Islam as a cohesive force to organize the Muslims of the world politically into a compact whole has lost its potency. They substantiate their contention by listing countless points of friction and vicious personality clashes that plague the ranks of the Muslim nations. They further support their thesis by pointing out the failure of the efforts that have been made in recent history to unify certain Muslim states in the name of religion and culture.

The most important effort in this direction, since the end of World War II, has been the unification of Egypt and Syria. The failure of this union, the nationalists point out, is an object lesson for those who continue to believe that religion and ideological affinity are sufficiently

strong temptations for Muslim nations to initiate a constitutional merger. Nasserism in Egypt and Bathism in Syria, were revolutionary mass movements, and their leaders had almost pathological fixation to Arab nationalism and socialism. Moreover both were Muslim states and yet the political unity between the two could not last for more than three years. The union between Egypt and Syria led to the creation of United Arab Republic of February 4, 1958; and after just three and a half years it came to an abrupt end on September 28, 1961, when Colonel Nahlawi led a successful military coup in Syria. In the beginning the Union was popular, because it was considered a first milestone on the road to Pan-Arabism, and Nassers' charisma at that time had touched such a peak of popularity in the Arab world that people in many lands saw in him the emergence of a new Arab Caliph. It is mentioned earlier that similarity in ideology, common hatred against imperialism, feudalism and corruption were considered the factors that would have strengthened the union. But the hopes of its architects were totally belied. Historians have listed numerous forces that spelt the dissolution of the Union, but, when everything is assessed, one does not find any hesitation to say that the Union collapsed on the rock of nationalism; and once it started crumbling, even the passion as strong as that of Arab nationalism, could not stop it.

After its early smooth working, and usual political fanfare, the union started showing serious cracks of insecurity and uncertainty. Once Nasser had established a firm grip on the union, he adopted certain measures which dealt a serious blow to the national pride of the Syrians. He tried to vanquish all opposition parties, the same way as he had done in Egypt, and the spirit of compromise and accommodation that had characterized the union during its formative stages disappeared completely.<sup>88</sup> Syrians resented Egyptianization of their country, and when through centralization, the bulk of the decision-making authority shifted to Cairo, it further added fuel to their nationalistic frenzy. Ultimately, the gravity of the situation increased to an extent that the Syrian army and the Bath, the two elements which had been the biggest proponents of the union, became its greatest enemies. Enver Koury, in analyzing the triumph of Syrian nationalism has stated,

the sense of unity created by the moving spirit of Pan-Arabism dissipated once the forces tending toward separate nationalism vigorously reasserted themselves. That the concept of Arab unity has proved illusory attests to its infeasibility, but to the magnitude of the practical considerations confronting the movement — Those persons advocating union underestimated Syrian nationalism, and even more foolishly those effecting the merger refused to recognize its later manifestation.<sup>89</sup>

Another tragic episode that haunts the imagination of those who still believe, that Muslim Universalism could become a concrete political reality, is the separation of East Pakistan from Pakistan. The emergence of Bangladesh produced another populous state on the map of the Muslim world, but it also administered a stunning set back to the aspiration of those who still believed that the present state system in the world of Islam was artificial and un-Islamic, and that the salvation of the Muslims lied in the creation of a political framework that would comprehend the universal commonwealth of believers in a single constitution. They were shocked at the spectacle that a nation that had been sired by a religious ideology could so soon in its history be divided into two states, by the volcanic eruption of mini-nationalism. Many of them in sheer desperation proclaimed Muslim universalism a mere exercise in polemics, a myth or a slogan whose political efficacy had been completely exhausted.

Pakistan emerged as an independent state on August 14, 1947. The East wing of the country was separated by a thousand miles of Indian territory from the West wing and the communications between the two were extremely limited. The state had been ideologically sired by religious and economic factors, in which the Muslims from the entire subcontinent, but particularly those living in the two wings played a very crucial role. The emergence of the new nation was painful in the sense that it entailed a lot of bloodshed, and dislocation of the millions of refugees and their rehabilitation in both wings of the country created Himalayan administrative and financial problems. The problems of food, shelter and health care were of nerve shattering nature. The leaders of the new state and the masses in general showed tremendous courage in overcoming these difficulties. The force that sustained them was religion, because they had been fed on the hope that in the new state, the Muslims will be given a chance to mould their lives according to the laws of *Shari'yyah*. The proposition of accepting two separate territories with wide divergence in language and culture was also based on the hope that the religious ties will help the people of the two wings to overcome linguistic and cultural disparities. But the later developments between the two wings showed that all this was hoping against hope. Hardly the new nation had settled down for adopting the constitution for a new state that relations between two wings of the country became polluted with acute bitterness.<sup>90</sup> Students of contemporary nationalists movements in the developing nations are familiar with the fact that nationalism feeds itself voraciously on hatred and on a sense of frustration and helplessness.

The trauma of East Pakistan grew at a galloping pace and ended only with a blood-stained harrowing episode of secession with the help



of foreign intervention that witnessed the emergence of Bangladesh as an independent state in 1971. This tragic disintegration of Pakistan at the altar of mini-nationalism, as mentioned earlier, strengthened the belief of those who had always been sceptical about supranational ideologies, religious or secular as possible instruments for political unification.

The painful dismemberment of the Egypt-Syrian Union and the tragic disintegration of Pakistan, however, do not show that the Islamic universalism is impractical. May be the institutions through which it had been operationalized in the past have become inadequate to meet the challenges of modern complex world, but no one can doubt that the potency of its appeal has remained undiminished. All we need is new institutions which could effectively translate universalism of Islam into a living political and economic reality in the life of the millions of Muslims now living nearly in fifty states of the world. No matter how one judges and interprets the Qur'anic injunctions, one fact always remains indisputable and that is that the Western territorial nationalism, with its built-in psychological and emotional ramifications, is totally alien to the Islamic doctrine. The Pan-Islamists, have vehemently criticized the scholars like Tahtawi, and Abul Kalam Azad who by their superimposed interpretations, have done a grievous wrong to the social and political philosophy of Islam. In their opinion, it is very difficult to find anywhere in the literature on *Shari'yyah* a reference to the term *watan* being used in the sense of sovereign nationhood for people living in a particular locality. As late as 1867, the Arabic dictionaries defined *watan* only as place of birth. It was never meant to indicate a mystical and highly romanticized fixation to one's cultural heritage, common language and territorial integrity. In Islam religion alone is the cohesive force that unifies the believers and gives them the much needed identity. If there is any nationalism in Islam, it can only be a Muslim nationalism, whose dimensions are global, and it is the only basis of state in Islam. Any other source, other than religion, for legitimacy and identity goes counter to the spirit of Qur'an. Had it not been the case the state in Islam would not have been declared a religious community. Nationalism, which regards the nation as the highest type of community and preaches that the bonds that are sustained within it as the sole foundation of the state is unquestionably contrary to Islam.<sup>91</sup>

Muhammad Jalal Kishk, an Arab scholar with deep leanings towards Ikhwan al-Muslimeen, finds nationalism even more dangerous than Marxism, and is very critical of its consequences because in his opinion it has wrecked the universalism of Islam. He condemns those Arab secularists who seem to have been mesmerized by the mystique of nationalism. In his opinion, the philosophy of nationalism borrowed from

the West, has completely shattered the fabric of Islamic civilization. Europe needed some psychological force of nationalism to weld together its disparate and fragmented communities into bigger and compact political entities but the world of Islam had been provided with a powerful cohesive element in the religious doctrine itself that organized all believers into an internal bond of unity, and even created political institutions to keep them together.<sup>92</sup>

Adaptation is the essence of a progressive civilization, but blind and thoughtless importation of alien ideas and influences, regardless of whether they are suitable to the indigenous culture or not, is inherently dangerous and counter-productive. Even a cursory glance over the Muslim world, can easily give an idea, that the masses in general are still very religious, and their outlook about the social and political affairs of the community is deeply imbued with Qur'anic precepts and the ideals which the Holy Prophet has left as permanent spiritual and moral legacy for his followers. The growing popularity of Muslim fundamentalism, in practically every Islamic country after World War II has further demonstrated that among Muslims the religious sentiments are still very strong, and they feel deep anguish of the soul at the depressing spectacle of chronic conflict and friction that plague the inter-state relations in the Muslim world. The fact that some other nations in the third world have successfully experimented with ideas borrowed from other nations, should not give anybody the guarantee that similar success would be experienced in the Muslim lands.<sup>93</sup>

The crucial question before the World of Islam today is, how to harmoniously blend Muslim universalism with the prevalent state system based on territorial nationalism. There is widespread revivalism of religious fundamentalism in every Muslim country and there is a growing urge among the masses to incorporate Islam at every level of policy-making in the state. The leaders of this trend are putting pressure on their respective governments to adopt policies that would reflect growing concern to safeguard the interest of the Muslim states as distinct members of the family of nations.<sup>94</sup>

It is not difficult to assess the growing interest of Muslim nations in Islam, and the impact of this religious revival on the policies of Muslim states. The Egyptian constitutions of 1956 and the constitution of its union with Syria and Iraq laid emphasis on Islam as a moving spirit of the political process. The Algerian Constitution of September 8, 1963 has established Islam as the state religion. The National Council of the Algerian Revolution stated, "Ours is the culture of Islam — We do harm to this culture if we believe it is merely religious."<sup>95</sup> The provisional

constitution of Syria adopted on April 17, 1964 declared that the head of the state would always be a Muslim and the principal source of legislation would be Islamic Jurisprudence. The same is true of the Iraqi constitution enacted on April 29, 1964, which laid down democracy, socialism and Islam as the most critical dimensions of the state policy. The Yemni constitution of April 28, 1964 made Islamic *Shari'yyah* the basis of all legislation. While delivering a speech on the occasion of the commemoration of the ninth anniversary of the Revolution, Nasser said: "The Islamic state was the first socialist state in the days of the Prophet and at the present time the poor were and are protected from the rich."<sup>96</sup>

The Egyptian Prime Minister, Zakaria Mohiyuddin while addressing the National Assembly once stated,

The United Arab Republic has spared no efforts in disseminating accurate information about Islam —Those who are struggling to attain the goal of social equality and who are working to achieve a higher standard of living for the people are applying the maxims of the true religion, Cairo has been and will always be a citadel of faith and a centre of Islamic activity for the general welfare of the people.

Nassers' government with an object to strengthen religious studies at al-Azhar increased its budget from 1.6 million Egyptian pounds in 1951-52 to 5.6 million in 1965-66.

In recent history of modern Islam, Pakistan perhaps is the only Muslim state that was created primarily in the name of religion. During 1940 to 1947, the most critical years, the only slogan that mesmerized the Muslim masses of Indo-Pakistan subcontinent and gave the Pakistan movement its most powerful momentum — the creation of a society that would be patterned entirely according to the spirit of Islam. Among the various factors that delayed the constitution-making in Pakistan for many years was the difficulty of finding a constitutional machinery that would facilitate the emergence of a truly Islamic society. It was for this purpose that all the three constitutions that have been adopted in the country contained special Islamic provisions. The Constitution of the Islamic Republic of Pakistan enacted on April 10, 1973, declares Islam to be the state religion. Chapter on Principles of Policy has a special article showing that,

steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Qur'an and Sunnah. The state shall endeavour as regard Muslims of Pakistan (a) to make the teaching of the Holy Qur'an and Islamiat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Holy Qur'an; (b) to promote unity

and the observance of the Islamic moral standards; (c) and to secure the proper organization of *zakat*, *auqaf* and mosques.

Moreover, the entire Part IX consisting of Articles from 227 to 231 are devoted to Islamic provisions which have emphasized the creation of a Council of Islamic Ideology as a constitutional obligation. The Council is entrusted with the responsibility of finding means by which laws and institutions governing the life of the people could be Islamized.

The incongruity between territorial nationalism and Muslim universalism is so wide, and incompatibilities so unbridgeable that even with all the undiminished zeal and fervour that characterize modern Islamic resurgence, Muslim nations have not been able to evolve a consensus about the nature and kind of union that could fulfil religious obligations of oneness of the *ummah* envisioned in the Qur'an. There is an acute realization among all Muslim states that Islamic unity is a solution to many of their problems, but there is such a bewildering diversity in their international commitments which run to counter to this idea. There is, however, also an awareness among them that to evolve a workable unity out of diversity is not an impossible task. United States of America, Russia before disintegration, and most recent of them all Europe, provide ample testimony in the non-Muslim world, that multi-ethnic and trans-national political and economic unions are not beyond the realms of feasibility. In March 1995, seven members of the European community abolished visa restrictions for their citizens. This was the practice among Muslim kingdoms of the world of Islam for centuries before the rise of militant territorial nationalism among them. At the moment an aspiration, and strong sense of unity exists among Muslim communities, but each community has a different approach, and diplomacy among them is polluted with non-challenge, scepticism, and even bitterness and hostility. Thus the whole issue of Islamic unity at the moment is in a state of Ideological limbo. The entire concept of Muslim *millat* (Muslim universalism or commonwealth of believers) requires serious rethinking and re-evaluation. But this has to be a collective rethinking and not the rethinking of each individual Muslim nations.

Collective rethinking about Muslim unity seems problematic because each Muslim state tends to adopt its own means of fulfilling this religious obligation. The difficulty of arriving at some kind of consensus of translating ideology of Muslim universalism into an organizational framework increases manifold due to wide gulf of differences between the approach of official Islam and that of popular Islam. The governments of most Muslim states are committed to notion of secular nation state, and in spite of their repeated emphasis on the need for Islamic unity still nurture serious doubts about its feasibility in the

contemporary world politics. The leaders of traditional Islam on the other hand insist on unity among believers in social, economic and even political matters. We have seen that Pan-Islamism of the last decades of the nineteenth century and early years of the twentieth century was deeply Ottomanized. All its advocates at the time wanted that Muslim of the world must rally around Ottoman caliph and show their support and demonstrate their allegiance to him. Some were brave enough to seek political unity of Muslim lands from Morocco to Java. After the abolition of caliphate by Ataturk, in March 1924, the ideological and political map of the Muslim world changed radically. The chapter of the caliphate was closed for good. Sharif Hussain of Makkah (1853-1931) and king Fuad of Egypt (reigned during the inter war period 1923-1936) half heatedly aspired to rejuvenate the office, but the tide of territorial nationalism, had engulfed the world of Islam so firmly that both claims seemed hollow and were swept away into oblivion easily by the historical currents of the time. The leaders of the contemporary Islamic resurgence are familiar with the fact that territorial nationalism has struck deep roots in the Muslim world, and pan-Islamism of a political character has become even more difficult because after decolonization, and disintegration of Russia' communism the number of Muslim states in the world has almost doubled. This phenomenon, however, does not seem to discourage them from propagating the concept of the *ummah*. They want to resurrect Islam in its ideological totality of which Muslim universalism is a very vital component of the faith. The rise of Islamic resurgence which is primarily rooted in popular Islam, and is extremely hostile to the secular and nationalistic policies of the governments in power, has further aggravated the incompatibility of the two approaches. The growing militancy of the fundamentalist religious groups have made government in power vastly disoriented and confused about the whole issues of the unity among the believers of the world. But their confusion and reluctance on the part of the Muslim rulers have not mitigated the need and the urgency of designing a rational and realistic organizational machinery that would soften the incompatibility between particularistic nationalism and supranational Pan-Islamism. Since the beginning of the 1980's with revolutionary Islamist movements increasing in intensity with alarming speed provide a wide variety of designs, which is an indication of the popularity of the idea, but the world of Islam still seems to be far from a coherent plan, a workable blueprint of a commonwealth of Muslim nations. All this diverse, intellectual, legal and political efforts however have one common theme that runs through all of them and that is to make nationalism and trans-nationalism of Islam complementary to each other. Hassan al-Turabi, a leading figure in revolutionary Islamist

movement in Sudan, has a plan which demands that for the time being Muslim societies must concentrate on internal Islamization. Once the bulk of them have accepted *Shari'yyah* as a working manifesto, economic and political unity of the Muslim world would not be so difficult. Moreover, he feels that in environments where territorial nationalism is deeply entrenched in the political Islam around the world, emphasis on speedy unity among Muslim nations of the world would be counter productive. In some other circles debate is going on that Muslim nations first must create regional entities of Muslim states, and then these entities could be linked to some strong and viable international organization that would fulfil the requirements of political Pan-Islamism. This kind of ideological trend is quite popular in the Middle East, where since the beginning of this century, the concept of Arab nationalism has always been a subject of animated debate and discussion in the politics of the region. A large number of Arab intellectuals and statesmen still believe that Arab nationalism and Pan-Islamism could comfortably co-exist in today's world. Saudi Arabia is perhaps the only major Muslim nation in the Middle East in which officially and unofficially unity of the world of Islam is given preference over Arabism. There is also an approach which is an index of the sentiments of the prevalent revolutionary Islamist movements in the world. The approach is characterized with impatience and intolerance and shows abhorrence at the slow and tardy progress towards the unity of the *ummah*, Professor Kalim Siddiqui, a Pakistani scholar of Islam living in London, is a typical advocate of such a point of view. Proponents of revolutionary Islam, feel that the Muslim world at the moment is in the midst of a favourable ideological tide of Islamism — a phenomenon witnessed rarely in Islamic history and it must not be allowed to be wasted in pursuit of ideologies like nationalism which are inherently un-Islamic. Ideologies of this kind of Islamic ideology think evolutionary search of the unity of the *ummah* is an exercise in futility. In their opinion, Muslim governments around the world must tailor all their domestic and foreign policies to serve the cause of the unity of the *ummah*.

The above mentioned approach popular practically among all Islamist groups in the world is at this stage of transitional diplomacy among surrealism. A survey of the diplomatic activities of the Muslim states on the world scene give a clear indication, that in spite of the apparent commitment to Muslim unity, Islamic states in formulating their foreign policies, tend to give preference to national interest. Interest of the *ummah* exercises influence but does not determine their relations with other nations.

The extent to which any particular Muslim state is ready to gear its foreign policy towards the unity of the Muslim *ummah* or policies of Pan-Islamism varies from country to country. It would depend on the political and ideological history of the land, the strength of the fundamentalist religious movements, and the demotion and fervour of the ruler or rulers to Islam as an all-comprehensive faith whose efficacy as an instrument of universal goodness of humankind is not subject to any regimentation of time and clime. This fact could be illustrated by the recent ideological history of the three major Muslim nations in the world. Saudi Arabia is considered to be the most religious of all Muslim nations, but its foreign policy became predominately Pan-Islamic only under King Faysal (ruled 1964-1975) who had developed a personal commitment to the unity of the *ummah*. Similarly Pakistan came into existence in 1947 in the name of Islam, and all the three constitutions that the country had (1956, 1962, 1973) made promotion of unity among Muslim nations a constitutional requirement for the policy makers of Pakistan, but it was only under President Zia-ul-Haq (1977-1988) that the issue of unity among Muslim states became the most crucial dimension of Pakistan's foreign policy. Similarly Egypt has a long and lustrous history of Islamic culture, and civilization. al-Azhar in Cairo has been the oldest and most revered seat of Islamic learning and in recent history Salafiah Movement of Rashid Rida and Ikhwan al-Muslimeen of Hasan al-Banna are universally acknowledged as the forerunner of the contemporary revolutionary Islamism, and yet under President Jamal Abdal Nasir Unity of Islam was only of secondary significance in his foreign policy of the state. All his life he remained a fervent devotee of Arab Nationalism.

In Iran the state due to history and sectarianism has been very antipathetic to the concept of the unity of *ummah*. Historically Iran has been the major non-Arab Muslim nation on the peripheral fringe of the Arab empire. Before its conquest and conversion to Islam it had a long history of its own religious culture, political organization and social institutions which was not entirely forgotten after its Islamization and remained a source of exclusionary tendency among the Iranian people from the rest of the universal family of believers. Acceptance of Shi'ism by Shah Ismail Safavi as the state religion Iran created a grave identity crisis among the Iran vis-à-vis the rest of the Muslim world which remained predominately Sunni. This ideological isolation based on sectarian affinity has remained the hallmark of Iran's foreign policy for the last several centuries. Therefore one is not surprised that during the last days of the Ottoman caliphate when the Sunni world of Islam was overwhelmed with upsurge of political Pan-Islamism, Iran did not show

any empathy for it. Even after the foundation of the secular Pahlavi dynasty in 1925, and the secularized rule of its two monarchs (Reza Shah 1925-1961) and (Muhammad Reza 1961-1979), influence of Pan-Islamism on Iran's domestic and foreign policies was minimal. One would see some occasional outburst of the sentiments of Muslim unity in Iranian diplomacy but on the whole Iran remained politically benumbed against *Itihad-i Islamiyyah*.

But the late Imam Khomeini's Islamic Revolution in Iran in 1979 made a major departure in this direction. For the first time in Islamic history, Shi'a theological leaders at the highest levels spoke in unequivocal terms about the merit of associating with rest of the Muslim communities regardless of the sectarian differences. They prompted the new generation Iranian youth to remain firm in their faith but also look beyond the narrow ideological world of Shi'aism and consider themselves also a part of the wider and more spacious landscape of Islamic *ummah* spread in other lands. For instance in 1979, an Iranian scholar published a book entitled *tafriqa masala-i ruz-i ma* (Divisiveness is the Dilemma of Our Time). The primary theme of the book was to impress upon the reader that theological unity among believers was a Qur'anic requirement and the life of the Holy Prophet Muhammad was a perfect model in this matter. In 1983, Ayatullah Mahmud Taliqani, a religious thinker and philosopher of the Iranian revolution published a treatise *vahdat va azadi*, in which he highlighted the Qur'anic views about unity among Muslims of the world and tried to prove that oneness in religious matters was at the heart of the divine message embodied in the Qur'an. In 1983 the government of revolutionary Iran started publication of a periodical called *al-Tawhid* a Quarterly Journal of Islamic Thought and Culture in which leading religious scholars wrote high quality articles many of which reflected growing Shi'a interest in Islamic universalism. For instance Allama Muhammad Husayn Tabatabai made the following remarks about the universality of Islamic laws:

Islam is a system of universal laws which have not been formulated for any specific groups of people or for a specific period of time. In its teachings, its focus is on the natural man that is its attention is centred on the natural structure of human being, and the conditions of a common individual, whether he is poor or rich, strong or weak, black or white an Arab or a non-Arab, male or female, old or young.

And lastly no less a person than Imam Khomeini the occupant of the supreme position of *Vilayat Fiqh* himself, repeatedly in his writings and statements emphasized that without Muslim unity Islam could not be defended against the Western onslaught. But Khomeini also does not indicate any necessity or the utility of political unity of the Islamic



nations. He too simply speaks of Muslim unity at a religious level and does not elaborate the shape or form which he would like this unity to assume. Article 10 of the constitution of the Islamic Republic of Iran 1979 stipulated that all Muslims in the world constituted one *ummah* and that the Iranian government would continuously strive to foster political, economic, and cultural unity among nations of the world of Islam. Husayn Moosavi, a leader of the powerful Shi'a groups called Amal in Lebanon remarked "we regard the entire Muslim world as our homeland." Another positive indication of the intent of revolutionary Iran to narrow the Shi'a-Sunnite rift which has been a major hurdle in the path of Muslim unity is that they picked up a leading Sunni revolutionary religious scholar Sayyid Qutb of Egypt executed by President Nasir in 1966, for one of the commemorative martyrs stamps. All these are very healthy developments for closing the ranks of the *ummah* which unfortunately have been infested with divisiveness for centuries.

But regardless of these developments the vision and prospects of the Islamic unity are still blurred. After surveying variety of approaches in this matter one comes to the conclusion that the twentieth century should provide an lesson to the nearly one billion Muslims of the world that in preparing the agenda for the twenty first century at least for a considerable period they must de-politicize Pan-Islamism and focus on a less ambitious design of unity among Muslim nations of the world.

The term employed for 'solidarity' in Arabic (and adopted in other Islamic languages) *tadamun*, is significant. The term *tadamun al-Islami* spread swiftly and even gave its name to a 96-page Arabic monthly or general interest, published in Makkah from the 1970's (continuing another monthly, *Majallat al-hajj*, or Journal of the Pilgrimage). This term conveys the notion of 'mutual guarantee' or 'mutual responsibility', which is soothing. Although many pious Muslims have grasped solidarity as a concept derived from their religion, even dictated by it (as explained by Muhammad Abu Zahra, Dean of the Law Faculty at Cairo University), the Muslim attitude of solidarity is more widespread. Many feel that such solidarity is advantageous not only for them, but for the entire world. However rational considerations have also played a part. Political Pan-Islam has failed its objective of uniting all Muslims, chiefly because of their lack of solidarity. This goal has become, in the current generation, even more unattainable due to the proliferation of independent Islamic states with nationalist particularized ambitions. The situation, although condemned by pious Muslims, is gradually accepted by some of them as fact of life. Still accustomed to expressing their identity in terms of Islam and Pan-Islam rather than in those of

nationalism, they feel threatened by other religions. Some are suspicious of the political solidarity within Christianity; Muslim solidarity has developed a somewhat antagonistic approach towards non-Muslims, as a result.

A section of the proponents of Islamic solidarity argue that search for docile, cultural and political solidarity, is a time consuming and arduous task. At present differences at these three levels are wide and often irreconcilable. In their opinion Muslim nations would be well advised to start with economic solidarity, because economics is a field in which there is hardly any possibility of major differences among them. The Qur'an has discussed *zakat* and *riba* as concrete economic regulations with divine sanctions behind them. The rest of the measures recommended are nothing more than moral precepts meant to keep economic activity in the Muslim community free from fraud, corruption and dishonesty. Moreover, in economic cooperation between have and have not, Muslim nations could unleash mutual sympathy for each other's economic difficulties, and other national dilemmas. Later a portion of this spirit of cooperation could be diverted to more difficult fields of social, cultural and political issues. The last decades of the twentieth century seemed to be the most opportune time of modern Islamic history for economic cooperation, because oil rich Arab nations had abundant financial reserves to help poor Muslim nations.

One healthy sign of the present-day Islamic resurgence is that the unity of the *ummah* though not in the political sense as yet-has become a popular religious slogan practically in every Muslim community in the world, books and pamphlets on the subject of Muslim unity are being written in dozens of languages and the idea is gaining growing receptivity among millions of Muslims. So much so, that there are numerous scholars and statesmen in the world of Islam, who believe and preach that if nothing else Muslim states could create an Islamic block in world politics as a countervailing force against intrusive cultural political and economic inroads of Western Christian powers. Leaders of Islamic resurgence like Abul Ala Maududi think if European community, organization of African unity with countless linguistic, cultural, tribal and constitutional differences could create blocks which though modest in their impact on world politics, have shown their efficacy in bringing together totally fragmented continents into viable political and diplomatic blocks, so they see no reason why Muslim states with so much in common could not create a block of their own. According to Maududi no other religion has given the message of unity within unambiguous terms as Islam. In this regard he mentions the following verse of the Qur'an:

O mankind! We have created you from a single male and a female, and have made you nations and tribes that you may know one another. Lo! the noblest of you, in sight of Allah, is the most righteous and best in conduct. Lo! Allah in Knower, Aware.

After mentioning this verse Maududi has made the following comments:

Islam is the only religion in the world that considers entire mankind to be one family and proclaims that all human beings have descended from the same parents: "O mankind, We created you from a single male and a female", declares the Qu'ran. Then it asserts that God has grouped them into nations and tribes not that they may fight with each other but that they may identify each other more easily for promoting co-operation among themselves. This so-called division into groups is to facilitate reference or identification rather than to set one against the other: "And we made you into nations and tribes that you may know each other". "Not that ye may despise each other.

This is generally the point of view of the revolutionary Islamists of our time. In their opinion divisiveness among Muslim nations is against the very spirit of the Qur'an, because the place of birth and the land where one lives and dies is only for identification and not an object to be loved with passion and worshipped. And the Holy Prophet in his sermon on the occasion of his last pilgrimage to Makkah put a seal of disapproval on ethnic and racial discrimination among Muslims. He said:

No Arab is superior to any non-Arab, nor a non-Arab superior to any Arab. Neither is a white man better than a black man nor a black better than a white, you are all descended from Adam and Adam himself was made of clay. The most honoured of you in the sight of God is the who fears God most and is the most righteous.

The emergence of Islamic revivalism, is exercising a considerable impact on the inter-state policies of the world of Islam. The leaders have shifted from the traditional views about Pan-Islamism as they existed during the time when Caliphate was still a political reality. No one even mistakenly would question the right of each Muslim state, to nurture and develop a spirit of nationalism among its citizens, but at the same time there is growing realization among scholars and statesmen that without in any way injuring the sentiments of nationalism, if the Muslim states could establish some institutions by which co-operation in the economic, social, and educational fields among Muslim states could be enhanced it would add tremendously to the collective strength of the Muslim world. After World War II, for several years efforts in this direction were very modest, but gradually the tempo was accelerated and in a short period of time, several Islamic conferences, and co-operative institutions came into existence which changed the earlier vague aspiration to a powerful institutional reality. But each step the leaders of the Muslim world took in this direction was somewhat guarded and smacked of fears and

apprehensions that had been generated by nationalism against Pan-Islamism.

After World War II, even before Islamic resurgence or Muslim fundamentalism in its present form emerged, among certain religious circles of the world of Islam, there was conspicuous awareness the Muslim nations must establish a trans-national organization of Islamic states which would facilitate cooperation among them one critical issue of nation-building and economic development. The body in this regard to catch world attention was Mu'tamar al-alam al-Islami (The Congress of the World of Islam). Leaders who designed its constitution announced that the new congress was in continuation of the Islamic conference which had previously been convened in Makkah, in 1926 and Jerusalem in 1939, but for all practical purposes it was an entirely new organization. Amin al-Husayni was the moving spirit behind it. He remained at the helm of the affairs till early 1970's and was succeeded by Maruf al-Dawalibi a statesman from Syria. Its headquarters were at Karachi, because the government of Pakistan had given assurance of support and help. Its membership increased steadily and in 1983, 37 Muslim states were its members. Its regional offices were located in Beirut, Kuala Lumpur, Dakar (West Africa) and Mogadishu (East Africa). Mu'tamar published a weekly review called *Muslim World*, which was edited by the Secretary General of the Congress. The primary thrust of Mu'tamar's efforts was to create a climate of receptivity for the idea of Muslim unity among Muslim nations whose number became of decolonization was increasing very rapidly. Towards this end it convened periodically international conferences. One of its primary objectives was to promote Arabic as universal language among Muslims of the world so that they could communicate effectively and could understand the message of the Qur'an directly from its contents. It not only strove for social, cultural, and economic cooperation, but also supported wars of liberation which were being fought in many Muslim lands. Much of the success of this body was due to the dynamic personality and deep commitment to Islamic unity of its first Secretary General Mr. Inamullah Khan, a Burmese Muslim who had settled in Pakistan after 1947, he attracted world attention when he collected one million signatures in support of Kashmiri freedom fighters in the state of Kashmir and presented that scroll to Mr. Trygve Lie Secretary General of the United Nations in 1950. The difficulty with Mutamar, however, was that it was a non-government body, which reduced its impact on inter-state activities among Muslim states significantly.

The other post World War II international agency to promote cooperation among Muslim nations is Muslim World League popularly

known as *Rabita al-Alam al-Islami*. Its headquarters are in Makkah, but its offices are located in many parts of the world, from where help is provided to Muslims, to build Mosques, to establish Islamic libraries, and publishes and distributes books on Islam to schools, colleges, and scholars free of charge. Like Mu'tamar it is also non-governmental agency, but it is abundantly clear to all observers of the grown tendency of new Pan-Islamism, that Saudi Arabia is its primary financier and policy-maker. According to certain un-official commentators estimate that Saudi Arabia government subscribes more than fifty million dollars to *Rabita's* budget. Accredited as a non-government status of an observer at the United Nations, *Rabita* maintains a large office in New York to lobby for causes pertaining to Islam at the World body. Since its foundation 1962, the progress of *Rabita* as vital link to the global network of Muslim communities is very impressive. Practical every Muslim country, rich or poor, big or small, has a *Rabita* office, and going beyond its original constitutional mandate, it tends to be absorbed practically every issue of any kind which concerns the interest of Islam or the Muslims, although its predominate role is still confined to religious and cultural matters.

The first important move at the governmental was made by the Egyptian revolutionaries under Nasser after 1952. A few years after the revolution of 1952, Nasser established the Islamic Congress, with a responsibility to find a means by which bonds of unity could be created among the Muslim nations of the world. Anwar-al-Sadat a trusted lieutenant of Nasser at that time was put in charge of this organization. The Congress, however, had a limping start, because the Arab leaders, who did not like Nassers' radical approach considered the Egyptian sponsorship of Pan-Islamism as a façade of Nasser' aggressive Arab nationalism. King Hussain of Jordan and President Habib Bourguiba established an Islamic Conference in Jerusalem. In May of 1962, another Pan-Islamic organization was established in Makkah by the late King Saud of Saudi Arabia. The king invited 200 leading representatives from the Muslim world who had come for the annual pilgrimage and declared the establishment of this organization with Saudi minister Mr. Muhammad Surur Sabban as its Secretary General. At a non-governmental level incentive for Muslim universalism was provided by the meeting of 100 Muslim scholars from 35 countries in February 1970. The Congress passed several resolutions indicating the need for Pan-Islamism, and recommended the establishment of an Islamic News Agency. These efforts, laudable no doubt, were, however, inadequate to produce machinery of cooperation among the Muslim states.

After the burning of the al-Aqsa mosque on August 21, 1969, the realization for the creation of some concrete Pan-Islamic framework became much stronger. It was at this moment of acute emotional crisis that leading statesmen of the world of Islam met on September 22, 1969, at Rabat in an International Islamic Summit. At this summit several resolutions were passed that showed deep anxiety about the future of Islam in the world, and expressed the hope that soon some permanent body would be established that would continuously strive to keep in touch with the latest developments towards cooperation among Muslim states. After the Rabat meeting, the Foreign Ministers of most of the Muslim nations met regularly, and kept adopting means and measures by which a small league of Muslim nations could become an important feature of diplomacy among the Muslim states. The second Islamic Summit was held in Lahore (Pakistan) in 1976. The summit demonstrated deep-seated sentiments of Muslim unity, and highlighted need for economic cooperation. At present, the most important pan-Islamic body is the Organization of Islamic Conference which was established in May 1971 and has its headquarters in Makkah. It is headed by a Secretary General, who organizes certain feasible proposals which could help the Muslim states to come closer to each other in every possible sphere of interstate activity. It was decided that the Foreign Ministers would meet at least once a year, to assess the progress that has been made for cooperation among Muslim states. Later the headquarters of this organization were moved to Jeddah.

With financial help provided by Saudi Arabia and the other Muslim states, and the organizational and professional talent invested in it, the Organization of Islamic Conference has stabilized itself considerably. Under its general supervision, institutions like Islamic Economic Chamber and Islamic Development Bank have been created, which have increased the importance of Muslim universalism manifold. Many Task Forces consisting of competent specialists drawn from various Islamic countries are at work continuously to finalize projects of economic cooperation. A recent survey showed that at least 70 joint projects were being processed by groups of specialists, regarding trade and industry among various Muslim countries.

Whatever has been accomplished so far towards the unification of the Muslim world is still not sufficient and the path of meaningful cooperation is strewn with numerous insurmountable impediments. Absence of common language, wide cultural differences, yawning distances that separate various Muslim lands, lack of uniform trade policies among Muslim states, the internal instability of many Muslim nations resulting from identity crises, and ideological warfare between

the religious fundamentalists and the secularists, all are listed as basic inadequacies of the state system in the Muslim world, that are hampering the way to a solid institutional framework that would be in a position to fight nationalism currently rampant in every Muslim country Cantwell Smith says,

Pan-Islamism is, and always has been, primarily a sentiment of cohesion. It is not cohesion itself, or any institutional or practical expression of it. The unity of the Muslim world is a unity on political or other levels, have in modern as in earlier history broken on the rocks of restive actuality.

H.A.R. Gibb has contended that if Pan-Islamism had been followed consistently in every period of Islamic history, and the concept had been adjusted realistically to changed social, economic and political conditions in the Muslim world, it would have remained an activating and a dynamic force in a Muslim polity. He says;

it might indeed have proved successful in the long run, and by restoring the self-confidence and self-respect of the Muslim world have brought about not merely a political recovery, but even renewed economic prosperity.

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### Notes and References

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- 2 Bernard Lewis, *The Emergence of Modern Turkey* (London: Oxford University Press, 1965), p.167.
- 3 Ernest Edmondson Ramsour, *The Young Turks, Prelude to the Revolution of 1908* (New York: Russell and Russell, 1970), p.4.
- 4 Serif Mardin, *The Genesis of Young Ottoman Thought* (Princeton: Princeton University Press, 1962), pp.326-330.
- 5 *Ibid.*, p.371
- 6 *Ibid.*, pp.371-72.
- 7 Bernard Lewis, *The Middle East and West, op.cit.*, p.76.
- 8 *Ibid.*, p.77.
- 9 cf. John J. Donohue and John Esposito (eds.), *Islam in Transition: Muslim Perspective* (New York: Oxford University Press, 1982), p.7.
- 10 cf. Najun A. Besingan "Islam and Arab Nationalism" in *Middle East Review*, Winter 1978-79, Vol.XI, No.2, p.29.
- 11 Bernard Lewis, *The Middle East and the West, op.cit.*, p.80.
- 12 Bernard Lewis says, "In Turkey, it gave rise to the so called a nationalist movement and to the theories fathered by Ataturk of the Turkish origin of such ancient people as the Sumerians, the Trojans, and above all he Hittites." *The Emergence of Modern Turkey, op.cit.*, p.3.

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- 13 Lutfi al-Sayid, "Egyptianness" in John Donahue and John Esposito, *op.cit.*, pp.70-72.
  - 14 Albert Hourani, *Arabic Thought in the Liberal Age 1798-1938* (London: Oxford University Press, 1967), p.173.
  - 15 Bernard Lewis, *The Middle East and the West*, *op.cit.*, p.84.
  - 16 Leonard Binder, *Political Development in a Changing Society* (Berkeley: University of California Press), 1962.
  - 17 Talat Sait Halman, "Islam Tomorrow", *New York Times*, January 15, 1980, p.A-19.
  - 18 Lord Matson has described the plight and fears of the Muslims in these words: "The Mohammedans are out-manoeuvred and out-paced in the struggle for life and power by the Hindus. They know it, they resent it, and they are convinced in their hearts that Hindus mean to eat them up." *Nationhood for India* (London, 1931), p.38.
  - 19 Fuad Ajmi, "The End of Pan-Arabism." *Foreign Affairs*, Winter, 1978-79, Vol.57, No.365.
  - 20 A French traveller visiting the Arab world in 1883 stated, "Everywhere I came upon the same abiding and universal sentiment: hatred of the Turks — The notion of concerted action to throw off the detested yoke is gradually shaping itself-An Arab movement newly risen is looming in the distance." cf. George Antonius, *The Arab Awakening* (Beirut: Khayats), p.90.
  - 21 Najm A. Bezirgam, *op.cit.*, p.39.
  - 22 George Antonius, *The Arab Awakening* (Beirut: Khayats), pp.243-275.
  - 23 Manfred Halpern, while commenting on the main purpose of European intervention in the Middle East, says, "Each of the great European powers has tried at one time or another, to dominate the region, but barring that possibility has preferred to see the Middle East weak and divided and so open to all traffic. It was on this principle that the powers agreed to prolong the flickering life of the Ottoman Empire until the early part of this century and divided most of its territories after World War I into non-self governing states." *The Politics of Social Change in the Middle East and North Africa* (Princeton: Princeton University Press, 1963), p.369.
  - 24 Fuad Ajmi, *op.cit.*, p.365.
  - 25 Yvonne Yazbeck Haddad while describing Nasers' obsession with nationalism says, the slogan, 'Religion is for God and the home land is for everyone' (*al-din lillah wal-waten lil-Jami*) popular at the time in the Nasser regime suggested the relegation of faith to the private sphere as a personal affair between the individual and God." *Contemporary Islam and the Challenge of History* (Albany: State University of New York Press, 1982), p.32.



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- 26 cf. Nasrollah S.Fatemi, "The Roots of Arab Nationalism" in Benjamin Rivilin and Joseph S. Syliowicks (ed.), *The Contemporary Middle East: Tradition and Innovation* (New York: Random House, 1965), p.238.
- 27 cf. Paul E. Sigmund, *Ideologies of the Developing Nations* (New York: Frederick A. Praeger, 1967), p.148.
- 28 cf. Majid Khadduri, *Political Trends in the Arab World* (Baltimore: The Johns Hopkins Press, 1970), p.172.
- 29 John F. Devlin, *The Baath Party: A History from its Origins to 1966* (Stanford: Hoover Institute Press, 1976), p.23.
- 30 *Ibid.*, p.24.
- 31 cf. Paul E. Sigmend, *op.cit.*, p.159.
- 32 Peter Mansfield, *The Ottoman Empire and Its Successors* (New York: St. Martins Press, 1973), p.125.
- 33 The wide-ranging implications of Arab nationalism, as a revolutionary doctrine, have been explained by Ibrahim Juma in these words, "Arab revolution constitutes a body of assumptions complemented by another coherent body of contents and facts. It also includes planning a course of action that transforms these assumptions and contents into realities of everyday life, which the Arabs come to live by, in freedom, unity and power and in a society that is democratic, socialist and cooperative according to the traditional Arab interpretations of these concepts. The Arab revolution is thus a national urge that is intimately connected with human values, giving freely of its spiritual power-genuine nationalism is at once a political, social and human revolt. Politically it implies democracy, unity and adherence to a policy of positive neutrality. Socially it implies the creation of a democratic, socialist, and cooperative society, where harmony prevails between material and spiritual factors where there is no trace of monopolies, opportunism, and exploitation, where production develops according to scientific methods, where equality of opportunity is provided and where a just distribution of income is guaranteed. In terms of humanity, it implies the tendency of the Arabs to support the weak against their powerful oppressors". "The Ideology of Arab Nationalism: The Authenticity of Arab Thought" in Kemal H. Karpat (ed.), *op.cit.*, pp.51-52.
- 34 John F. Devlin, *op.cit.*, p.29.
- 35 *Ibid.*, pp.38-39.
- 36 Walid Khalidi, "Thinking the Unthinkable: A Sovereign Palestine State" *Foreign Affairs*, July 1978, pp.695-696.
- 37 Fuad Ajmi, *op.cit.*, pp.357-360.
- 38 *Ibid.*, p.368.
- 39 Marietta Stepaniants, "Development of the Concept of Nationalism: The Case of the Muslims in the Indian Sub-Continent" in the *Muslim World*, Vol.LXIX, No.I, 1979, p.29.
- 40 cf. Record of Arab World, (Beirut: 1970), p.1741.

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- 41 cf. Paul E. Sigmond, *op.cit.*, pp.149-150.
- 42 In a book entitled *Min Roh al-Islam* (From the Spirit of Islam) published in Baghdad in 1959, an Arab scholar explained his views on this issue in these words, “There is no opposition either basic or apparent between Arab Nationalism and Islam. The nearest description of relationship between them is that it is the relation of general to particular. And if we wish to describe this relationship geometrically, we would represent Islam and Arabism as two intersecting circles which had the large and more important part in common, while that which remained outside the common part would not conflict in any basic manner with the other part.” cf. Tareq Y. Ismael, *The Arab Left* (Syracuse University Press, 1976), p.7.
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- 44 *Ibid.*, p.63.
- 45 Quatantin Zuraiq, another Christian educator discussing relationships between Arab nationalism and Islam said, “Arab nationalists should fall back on the sources of their religion and derive from it inspiration and spiritual guidance — Nationalism — spiritual movement as it is, most converge towards religion and draw from it strength lie, sublimity, and excellence.” Cf. Sylvia Haim. *Arab Nationalism: An Anthology* (Berkley: University of California Press, 1964), p.168.
- 46 cf. John F. Delvin, *op.cit.*, p.25.
- 47 Najm A. Bezirgan, *op.cit.*, p.41.
- 48 Abd al-Rahman al-Bazzaz, Islam and Arab Nationalism” in John Donahue and John Esposito (eds.) *Islam in Transition Muslim Perspectives*, *op.cit.*, p.89.
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- 51 al-Kharbutli is Professor of Islamic Studies at the University of Ain Shams in Egypt. He expressed his views in a book entitled *al-Quawmiyya al-Arabiyya minal-fajr Ila, al-Zuhr* (Arab Nationalism from its Dawn to its Fulfilment) (Cairo: 1960).
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- 55 The Qur’an 3:105.
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- 58 H.A.R. Gibb, *Studies on the Civilization of Islam* (Boston: Beacon Press, 1962), p.5.
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- 60 W.C. Smith, *Islam in Modern History* (London: 1957), p.28.
- 61 Hans Kohn, *A History of Nationalism in the Middle East* (Harcourt Brace, 1929), p.38.
- 62 cf. Najm A. Bezirgan, *op.cit.*, p.38.
- 63 cf. Arkan Abadi, "The Crisis of Arab Nationalism" in Kemal H. Karpat (ed.), *Political and Social Thought in the Contemporary Middle East*.
- 64 Erwin, I.J. Rosenthal, *Islam in the Modern* (National State Cambridge at the University Press 1966), *op.cit.*, pp. 66-67 and 74-75.
- 65 *Bang-i Dara*.
- 66 *Bal-i Jibril*.
- 67 *Bang-i Dara*, p.73.
- 68 *Bang-i Dara*, p.279.
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- 70 *Javid Nama*, p.67.
- 71 "Letter to Dr. Nichalson" in *Thoughts and Reflections of Iqbal*, edited by S.A. Vahid, (Lahore: 1964), pp.98-99.
- 72 *Armughan-i Hajaz*, p.278.
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- 80 Sayid Qutb has denounced nationalism in these words, "The *ummah* whose first contingency is made of Abu Bakr, the Arab, the Ethiopian; Suhayb, the Byzantine, Salman the Persian and their noble brothers who continued this principle for generations-(In Islamic ideology) the nation is *dar-al-Islam*, the governor of God, the constitution is the Quran." cf. Yvonne Yazbeck Haddad. *Contemporary Islam and the Challenge of History* (Albany: New York State University Press, 1982), p.229.
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94 *Ibid.*, pp.104-107.  
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## *Islamic Law and Modernity*

### **Islamic Law: A Synoptic Review**

The pre-Islamic Arabian society was denuded of individualism. Each individual was totally merged in the group life. For all his liabilities, personal injury and even death he depended on group support. Criminal law as a statutory public law enforceable by some agency of the state did not exist. All wrongs were private and they were dealt with privately. It was for this reason that the severest punishment that a group could inflict on an individual was to ostracize him so that if any wrong was done against him there would be no one to avenge it. Kinship ties exhausted all human affiliations. Even in the political sphere there was nothing beyond kinship. This sociological and political fragmentation was reflected in religion also wherein each tribe had his own deity personified in an idol that was placed in the *Ka'bah* in the commercial town of Mecca, where these idols were protected by the Quraish. Around *Ka'bah* a free zone was created where bloodshed was totally *haraam*, so that all tribes could freely enter the sanctuary to worship their respective idols. The Makkan society was different from the way tribes were organized. The tribal society was a well-knit cohesive unit in which egalitarianism dominated the thinking of the Arabs. The Makkans, on the other hand, were more individualistic in their approach, and were divided by a rigid social stratification.

The Holy Prophet discerned in both systems certain basic inadequacies. He tried to blend the excellences of both in a new concept of *tawhid* and *ummah*. *Tawhid* established the unity of the believers, emancipated them from tribal and territorial regimentation and slavish subservience to the group, and subjected them to all-embracing universal fraternity of faithful, each one of whom was directly accountable to God. It was a unique social model of unity in diversity. On the one hand, all Muslims were equal before God regardless of their rank, class or race,

but at the same time they were “like teeth of a comb, no one being distinguished from the other except by the strength of his belief.”<sup>1</sup> The way this harmonious blend between individual and community was achieved was the work of a legal system called *Shari’yyah*. This *Shari’yyah* regulated and controlled the behavior of both the individual and the community, and had impact even on other spheres of life which were not strictly legal. In the concept of *ummah*, political, social, and religious activities are not separated and this further widens the scope of *Shari’yyah*, and gives it a separate and distinct position among the legal systems of the world.

Islam found certain human activities inimical to the welfare of the Islamic community and took special care to contain them so that no major harm was done to stability, unity and overall defence of the *ummah* against internal and external dangers. To achieve this end Islam developed certain strategies that would reduce chances of crime and produce a climate of equity and social justice.

1. The primary concern of the Holy Prophet was to create such a moral and sociological climate in society that would automatically curb crime and put a brake on those human appetites and psychological pulls and propensities that often lead men and women to commit moral and legal wrongs that often require elaborate judicial machinery to punish the criminals. It is generally understood that prohibition of *riba* and introduction of *zakat* were specifically meant to reduce social and economic tensions from a Muslim society. Islam did not advocate complete and absolute equality among human beings, but at the same time vehemently disapproved yawning disparities of incomes and rampant monopolistic tendencies that tend to wreck social justice. Affluence of some at the cost of many poor is deemed a revolt against God and a sinful activity.
2. Islam has also emphasized the efficacy of public pressure as an instrument of moral rectitude. It encourages individual Muslim to follow *Shari’yyah* and fearing that advice might fall on deaf ears instructs the society as a whole to exert collective pressure on all actual and potential defaulters and delinquents, so that they cultivate a sense of responsibility and remain compliant to the laws of *Shari’yyah*.
3. Over and above a general appeal to the sense of responsibility among human beings, Islam has also laid down stern punishments for many acts which threaten certain vital areas of

society's welfare and are against public interest. This is the realm of Islamic criminal law.

*Hudud* constitute the heart of Islamic criminal law. The term signifies both the crime and the punishment entailed by it. The punishments are not only rigid, but also so clearly elucidated, that the presiding judge in the court of law is left with very limited scope for personal interpretation. Once the guilt is established, he has no choice but to enforce the law. He has leverage in assessing the crime, and can take a lenient view in the light of some circumstantial evidence which goes in favour of the criminal, but once the assessment is completed and the degree and nature of crime has been established his discretionary authority ceases and he must carry out the punishment written in the rules of *Shari'yyah*. *Hudud* are applicable to the following crimes.

Apostasy means reversion to paganism by an individual after accepting Islam. Hazrat Abu Bakr the first Pious Caliph after the Holy Prophet is known to have taken very stern measures against apostates, and Muslim jurists universally accepted death penalty for a person who leaves the fold of Islam. This is considered to be the harshest penalty in Islamic law. Some critics have observed that it contradicts the claim of Islam that it is a religion of tolerance, and yet denies people the fundamental right of the freedom of religion. Some jurists, however, maintain that this harsh punishment has been adopted to stop fake or false conversion.<sup>2</sup> Some individuals could take advantage of the easy conversion to Islam and use it for self-aggrandizement, personal gain, or even contrive to sabotage Islamic solidarity from within. The deterring penalty of death is claimed to be a positive defence against such false conversion.<sup>3</sup> Apostasy is also called *ridda* which for all practical purposes, tantamount to treason in Islamic legal vocabulary. The Qur'an has stated: "And if any of you turn back from your faith and die in unbelief... their works will bear no fruit in this life and in the hereafter, they will be companions of Fire and will abide therein."<sup>4</sup> According to jurists, the death penalty for apostasy is based on a saying of the Holy Prophet which states, "whoever changes his religion, kill him." Since the apostate is guilty of treason, he is considered legally dead and if he escapes to a non-Muslim land, his property is distributed among his Muslim heirs.<sup>5</sup>

### **Adultery**

In a world resounding with sex freedom, and free love, serious penalties which Islamic criminal law imposes for sex offenders have been subjected to very severe criticism. In the West millions of couples



thinking that marriage is a redundant institution, have adopted a pattern of, "living together." All these developments are totally contrary to the spirit of Islam. Under Islamic law adultery is defined any sexual act between man and woman outside the bonds of marriage. This relationship could take place between married as well as unmarried individuals, and in all cases Islam considers adultery a despicable act. And demands that it be dealt with severely because it threatens the very existence of family which is the cornerstone of social stability and moral rectitude. When people abandon marriage, family disintegrates, and dissolution family spells destruction of every decent society.<sup>6</sup> An adulterous social system is doomed to humiliation and ultimately disappears from the face of the earth.

It is to safeguard against this tragedy that Islam has legislated very harsh penalties for those who are found guilty of adultery, particularly those who are married. The penalty is stoning for married and eighty lashes for unmarried couples. In recent years because of Iranian revolutions, implementation of the laws of *Shari'yyah*, and Islamization laws in Pakistan under the late President Zia ul Haq lot of publicity has been given to *hudud*, but the fact of the matter is that in the history of Islam, the cases of stoning have been very rare. For such a punishment judges have to adhere to very strict and rigid laws of evidence. The law requires that four creditable witnesses must swear that they actually observed the sexual act. Failure to produce a proper evidence is in itself a punishable crime and guilty informant could be subjected to another *hadd* relating to slander or false accusation. The husband however can accuse his wife of adultery by swearing four times but the wife can nullify it and exonerate herself by swearing five times that she is not guilty. According to most jurists conviction for adultery is generally restricted to cases where the individuals concerned have confessed voluntarily. Such cases are very rare particularly when Islam discourages Muslims from confessing crimes. Islam is harsh on sex-crimes because they destroy family and produce conflict, and lead to divorce. Matters are further aggravated by the presence of illegitimate children and spread of venereal diseases.

### **Intoxicants**

Narcotics like alcohol and drugs which have an adverse effect on human mind are totally prohibited under Islamic law. All alcoholic drinks in the last analysis are subversive of human peace and happiness and yet it is matter of common knowledge that their usage has been universal in every civilization in history. Even today this baneful habit is almost endemic in every social system and reformers have great

difficulty in eradicating it. In Arabia also before Islam drinking was practiced universally, therefore the Holy Prophet under divine guidance adopted a step-by-step approach in this matter. It was not prohibited suddenly. In early Islam at first only alcohol was forbidden, but later as use of mind altering drugs became common, the jurists applied the same sanctions against them which had been reserved for drinking. The Qur'an initiated moral crusade and legal war against drinking with a warning:

“They ask you about *Khamr* and games of chance – say they are harmful as well as beneficial—but their harm exceeds their benefits.<sup>7</sup>

After this the divine enactment allowed its use to continue, but disallowed it before prayer. The Qur'an in this matter has made the following statement. “O believers do not pray while intoxicated so you can realize what you are saying”.<sup>8</sup>

A man was considered intoxicated if he “became incoherent, could not distinguish a man from a woman, the sky from the earth or himself from the donkey.” Seeking that warning and partial prohibition did not have the desired results, the Qur'an then pronounced total prohibition. The Qur'anic verse in this connection is as follows:

Satan's plan is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of God, and from prayer will ye not then abstain.<sup>9</sup>

While in the case of apostasy and adultery, there is a little disagreement among Muslim Jurists, drinking on the other hand has been a cause of much disputation among them and it has continued till our own time. The result is that in spite of severe sanctions against it Muslim societies have not been able to emancipate themselves from this vice. The root cause of disagreement is lack of any definition of alcohol, and the confusion regarding its nature. There is bewildering diversity of views about how much of intoxication could be criminalized. Except for the Hanafi school of Islamic Jurisprudence, all other schools of Muslim law agree that alcohol is any drink or drug that cripples man's mental capacity and leads to the derangement of his thought and mind. According to Hanafi lawyers drink is a narcotic stuff that is made out of grapes and this is forbidden even if its consumption is moderate. All other intoxicating preparations are allowed as long as they do not affect human mind. In such a case it is the level of intoxication and not the intoxicant itself that is forbidden.

Muslims have often made the above mentioned controversy an excuse for their drinking, and there are countless stories of Muslim kings and nobles who drank heavily without any compunction of conscience and were never buttonholed for legal accountability or punished for the

criminality of their act. In Arabic, Persian and Urdu a lot of poetic genius was expended on wine-related poetry called *Khammariyat*.<sup>10</sup>

There is, however, an important point that needs to be kept in mind, that Islam does not prescribe any punishment for those who get addicted to alcohol or any other drug. It is said that they would be punished in heaven and will meet the same punishment that God has reserved for idol-worshippers. Probably in such cases alcoholism is judged as an illness and needs to be treated as such. An alcoholic or a drug addict during the course of treatment could be allowed the use of some intoxicant while he is struggling to defeat his habit. But if an addict after he is cured drifts again the drinking then he would be punished by a *hadd*.<sup>11</sup>

### Slander

In Islamic *hudud*, slander defamation called *qazaf* only signifies an accusation relating to adultery. It was listed as a major crime because of its far-reaching effects on the moral climate of the society. If social environments in society are contaminated by rumours, gossips, and false accusations, it could destabilize peace and harmony among people and generate widespread bitterness and hostility. Slander therefore being a major pollutant of human relations has been a special concern of Islamic law. A false charge of adultery immediately undermines the moral standing of an individual, and it is particularly true in the case of leaders who must keep their character untainted to maximize the legitimacy of their leadership role. Punishment for slander in Islam is eighty lashes. The Qur'an says:

And those who slander chaste women, indiscreet but believing, are cursed in this life and in the Hereafter: For them is a grievous penalty.<sup>12</sup> And those who launch a charge against chaste women and produce not four witnesses (To support their allegations) flog them with eighty stripes and reject their evidence, ever after for such men are wicked transgressors.<sup>13</sup>

A married individual, however, does not have to produce four witnesses. If they lay a charge under oath, that would be considered sufficient proof of their truthfulness. The Qur'an says,

And for those who launch a charge against their spouses and have in support no evidence but their own, their solitary evidence can be received if they hear witness four times with an oath by God that they are solemnly telling the truth.<sup>14</sup>

Slandorous evidence produced by a husband also called *la'an*, however, can only result in divorce and the wife would not be subjected to any *hadd*.<sup>15</sup>

## Thievery

The subject to which thievery has been criminalized has also been a matter of acute controversy. The critics have been extremely vociferous in criticizing Islamic law for being so harsh on thieves: They think that it is against all canons of Justice and morality, because no matter how large and precious is stolen property it is nothing compared to a loss of a limb of human body. This punishment is characterised as inhuman, and very damaging to the dignity of man. The puzzlement of the critics increases manifold when they read that in the same very Islamic law there are clear references that punishment must not exceed the gravity of the crime. *Saraqa* in Arabic means to grab a piece of property belonging to another person who is worth between three *dirhams* (25 cents) to ten *dirhams* (75 cents). Another condition is that the act must be committed in secrecy. The scholars in the field of the sociology of crime are familiar with the fact that theft of any kind or any size produces sociologically very unhealthy environments. It pollutes society with fear and distrust. Safety of life and property is at the heart of human civilization. It is for this reason that the Qur'an has adopted such a stiff attitude against thieves. It says, "As to thief, male or female, cut off his or her hands."<sup>16</sup> According to certain jurists, for first and second offence the hands could be amputated, but for third and fourth offence the judges could order the amputation of feet as well.<sup>17</sup>

These stiff penalties against theft according to some scholars are justified that its primary purpose is to make human possessions sanctimonious and defend man's right to own property. But then the critics point out that fraud and embezzlement also threaten and damage property and yet punishment for such crimes is much lenient in Islamic law. The Muslim jurists on the other hand have shown that value of the articles stolen is not the real concern of the law. The Islamic criminal law in their opinion is not a law in the ordinary sense of the term. It is meant to be an instrument to purify society of sin and vice, bulldoze all those impediments that threaten the collective welfare of the society. In the case of thievery it is quite clear, that it generates fear, and harassment among weak and innocent people. It deprives them of their right to freedom of movement and right to own property. More than ever thieves often tend to be ruthless and unscrupulous. During the process of stealing they would not hesitate even to kill people if they find that their nefarious and anti-social activity is blocked.

In view of the severity, Islamic law, Muslim jurists have laid down certain serious restrictions on the implementation of this punishment. For instance of the application of the *hadd* it is essential to see that the stolen

property has physically been removed from its location. The law has also clearly defined the ownership of the property. Jurists in this regard have contended that things which were originally a part of nature such as animals like camel, cow, etc. and even fish if stolen do not subject the thief to *hadd*. The same principles apply to pearls, Jewels, diamonds and other precious stones. Similarly, stealing from public money or property cannot be punished with *hadd* because in this case the property belongs to the community as a whole, including the thief. Some other jurist have maintained theft of perishable goods like food, meat, eggs, etc, cannot be a fit case for *hadd*. A rule of a similar kind applies to goods and articles associated with religion. And lastly it is incumbent upon judges to take a lenient view if the theft is an outcome of certain compelling reason which threaten the very existence of the thief.<sup>18</sup>

A bandit or a highway robber, under Islamic law, is also a criminal whose heinous deed warrant a punishment under *hudud*. Like thief he is an enemy of society and his actions pose a direct threat to state. His evil deeds pollute social climate, spread fear, and make life of the people uncertain and insecure. Lot of state money and human efforts are wasted in pursuit of bandits. Moreover it is a challenge to the authority of the state, and it is a familiar fact for all students of Islamic law that Islam has made the authority of the state sacrosanct, and banditry being a direct challenge to it has been criminalize under *hudud*. The Qur'an has designated bandits as corrupters of earth and guilty of disobeying God and his Prophet. The Qur'an says: "Those who challenge the authority of God and his prophet and spread corruption on earth shall be crucified, have their alternate arms and legs cut off or exiled. Such is their humiliation in life and great suffering awaits them on the day of judgement."<sup>19</sup>

Islam divides rights into two categories i.e. *haquq Allah* and *haquq al-'Ibad*. *Hududs* are applicable only when the rights of God are violated. Crimes against which *hududs* are applicable also include *qisas* offences: These crimes include murder, voluntary killing, involuntary killing and intentional physical injury. If a person is maimed, or subjected to some other bodily injury, he becomes a fit case for *qisas*. In Islamic criminal law murder is considered to be a very serious crime, in eyes of Allah. A *hadith* attributed to the Holy Prophet states that Allah's first act on the day of judgement would be to punish those who committed murder.<sup>20</sup> The Qur'an has also condemned this crime in the strongest possible terms. It states:

If man kills a Believer intentionally, his recompense is Hell, to abide therein forever and the wrath and the curse of God are upon him and a dreadful penalty is prepared for him.<sup>21</sup>

The punishment for a murderer is execution, unless the family of the murdered are prepared to settle for a *diyyat* or compensation. The family of the murdered has also the option of pardoning the offender.<sup>22</sup>

Islamic law in handling cases of homicide very often keeps an eye on the intent of the offender. The intent is generally judged by the kind of lethal weapon used by the criminal. If an individual is killed with a weapon that is not designed to be an instrument of killing will turn the offence into voluntary manslaughter. If the killing is accidental the killer is required to free a Muslim slave, or to fast for two months, and also must pay some compensation. He is also disallowed to inherit the property of the victim. In the case of bodily injury Islamic law is retaliatory. The Qur'an says, "We ordained therein for them, 'Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wound equal for equals.'"<sup>23</sup>

Outside the spheres of crimes dealt under *qisas* there are certain offences which in Islam are dealt under the concept of *ta'zir*. These are offences for which neither the Qur'an nor the *hadith* prescribes any punishment or penalty. Islam has provided five essential guarantees to believers. They are (1) freedom to practice religion, (2) opportunity to develop one's mind, (3) right to raise a family, (4) personal safety and (5) right to possess property and own wealth. If an act of an offender injures any of these privileges, he would be treated under *ta'zir*. It also includes acts which are condemned in the Qur'an and the Sunnah of the Holy Prophet but no *hududs* have been fixed against them. For instance eating pork, practice of *riba* misappropriation by an official of the state, false testimony, corruption, contempt of court, practising sorcery, fortune-telling, making predictions through astrology, obscenity, wearing indecent dress or wives inclination to disobey her husband, are offences which are disapproved, but no penalty has been strictly mentioned against any of them. They are punished according to the gravity viewed by the *qadhi* or the amount of public welfare or interest damaged. In the case of *hududs* or *qisas* the leverage for human legislation is non-existent, while in cases or crimes belonging to the *ta'zir* category, human will, circumstantial evidence, compassion and common sense can play a considerable role. In *ta'zir* crimes the judge and parties – both the victim and the criminal – can create some balance, and make compromise to arrive at a satisfactory agreement. While deterrence is the principle that characterizes *hudud*, balance, forgiveness, compassion and leniency highlight the crime committed under *ta'zir*.

The above description gives only a synoptic view of the criminal law in Islam, but it does provide a picture, that Islamic jurisprudence is fairly comprehensive, and has some very instructive and enlightening approaches regarding criminalization of human activities. But it does not merely criminalize; there are a variety of ways furnished in the law that could be used by criminals as viable defences. Infancy and insanity are universally considered very effective legal defences against possible conviction by a court of law. Islamic law has also made provision for these defences, and Muslim jurists have carefully developed certain procedures to help the criminals to make use of them. According to Islam an infant could not be held responsible for any criminal action. It states there are three stages of human development. First is from birth to the age of seven; second between seven and the stage at which a child reaches puberty and lastly comes the stage when the individual attains majority, and is sane. During the first stage the infant is not held responsible for his criminal actions. Insanity is another defence for a criminal if it could be established in a court of law. Insanity means a mental derangement which deprives an individual of his capacity to distinguish between right and wrong. A crime committed in such state of mind would not entail a punishment for the criminal. If a person becomes insane after committing the crime he will be treated like any other criminal in that category.<sup>24</sup>

An amazing thing about Islamic law is that it takes a totally different view from that of the Western criminology regarding the treatment of the criminal and the victim of the crime in society. In the West, under new humanistic social philosophy, and added emphasis on human rights, in recent years scholars in the field of the sociology of crime have declared that criminal himself is a victim of social environments and therefore deserves to be protected, pampered and reformed. He is provided free legal assistance, and all his physical comforts and material needs are met by the state. Even his medical bills are paid from the tax-payers money. The victim on the other hand has to bear his own legal costs and pays his own medical bills, and invests his own time and efforts for which he gets no compensation from anywhere. Islamic law on the other hand takes an entirely opposite view regarding the treatment of the victim and the offender. It does not demand that the society should take any responsibility for the nefarious activities of the criminal. He is himself blameworthy and must pay the price for his criminal conduct. He is deemed to be a permanent moral threat to society, and as such deserves no sympathy from any quarter. On the other hand Islamic law accords the sentiments of the victim a considerable respect and sympathy. This is particularly true in cases

where a victim has been physically harmed such an assault or murder. In cases of this nature Islamic law gives the victim or his relatives a very important role in determining the penalty for the criminal.

The whole philosophy behind the Western legal systems gives an impression that the victim volunteered himself to be victimized and therefore state or society has no responsibility toward him. Islam's attitude in this matter is entirely different. Once a Muslim society has been politically, socially, morally criminals. Islamic religious doctrine eloquently and in unmistakable terms puts the total responsibility on the criminal for all what he does. Society has nothing to do with his affairs. His despicable deeds are products of his own evil nature and corrupt mind. He is a potential dynamite to the peace and happiness in society and the state has a primary responsibility to stop him from his criminal activities.<sup>25</sup>

Islamic law disapproves imprisonment as an effective or useful penalty for any crime. Even in the Western sociology of crime, there are scholars who believe that prisons are often counter-productive so far as reform of criminals is concerned. Very often prisons turn out to be breeding grounds for bigger crimes, because during his stay in prison a criminal mixes freely with other prison inmates, and learns more skills about various kinds of crimes. If he was deficient before in certain areas, he comes out of the jail much more accomplished in many other crimes, and becomes a bigger threat to society. Moreover it has been argued that prisons violate the basic rule of humanitarianism by not treating man as a man. In prisons men are caged like animals, and it is a very demeaning spectacle indeed. Moreover in prison there is no element of deterrence.

Another hallmark of Islamic law that distinguishes it from other legal systems of modern times is the sanctity that it attaches to the individual's right to privacy. In many different ways the revealed word of God directly or indirectly has uncovered the wrongs that could be committed by violating this fundamental right. Individual's right to protect his privacy has precedent over community's right to punish him. There is a complete consensus among jurists, that crimes committed in private away from the peoples gaze and never made public could not be punished, especially if they did no public harm and caused no social injury. It is said that the Holy Prophet pointed out, "those of you who commit a filthy deed, should keep it secret, his secret will be kept by God. But if he declares his deed, his is subject to punishment." In another saying the Prophet is deemed to have said, "The farthest from God on the day of judgement are the announcers," and when asked who the announcers were he said, "it is the person who commits a shameful deed



during the night where God provided him with secrecy, but in the morning he; announces that he committed such and such acts.” In case an offender announces his or her crime, the authorities then have no choice but to punish the culprit. The Saudi prince who was executed for adultery would not have been punished if she had kept her affair secret but her determination to publicize it brought the punishment upon her.<sup>26</sup>

### **Family Law in Islam**

It is an indisputable fact that the entire legal system of Islam is permeated with the spirit of individualism. It dismantled all previous distinctions based on tribe, caste, colour and creed, and merged them all in the universal concept of *ummah*. But in spite of its great emphasis on individualism Islam gave family a pivotal role in its social philosophy. Its importance as a vehicle of stability in society and a vital instrument of moral rectitude is universally acknowledged in Islam. It is recognized as a cornerstone that holds the Muslim society together and a primary nursery where human mind and thought are trained and tutored to carry on the mission and purpose of Islamic revolution. In modern time the study of Islam’s approach to family has become even more crucial because modernity and in many ways misconceived feminism have eroded its foundations in the West. The institution of marriage has been dereligionized and daily spine-tingling tales of broken-homes, teenage pregnancies, child abuse, alcoholism among the youth, drug-addiction, sharp deterioration of educational standards at the high-school level, and galloping rate of crime, are carried by mass media, across the entire length and the breadth of the Western world. It is an indisputable sociological reality that many of these social and moral evils are due to the decadence of family as a social and moral anchorage in the life of the people.

Fourteen hundred years ago Islam realized the vital importance of family as a source of social stability and put up legal and moral dikes to protect it against man’s destructive propensities. Family in Islam is created through a contractual relationship between man and woman. This fact symbolizes individual freedom, but at the same time it lays down certain positive rules and procedures so that it could be effectively used as a mechanism for societal integration. In view of the far-reaching effects of family on the overall moral and social framework of society, Islam would not leave its welfare and stability to waywardness whimsicalities of men and women. Both husband and wife are linked together in an enduring partnership and their rights and privileges are captured in very concrete terms in the laws of *Shari’yyah*. Both in the Qur’an and Sunnah of the Holy Prophet, every possible detail is given

about these rights so that Muslims are not left in ambiguity. The result is sometime even the most intimate relations between man and wife are mentioned very lucidity so that if a dispute arises matters could be settled amicably. The sole purpose of all these measures is to protect the family from this solution or disintegration. There are rights for both men and women but the modern history of Islam indicates it is women's rights; which have attracted more attention from Muslim and non-Muslim observers of Islam. Polygamy, seclusion and veil are often mentioned to disparage Islam as a social philosophy. It is maintained that Islamic law perpetuates a yawning disparity between the rights of men and women. In the opinion of the critics, women in a Muslim society are often victimized in the name of religion. Recent Islamic resurgence and the attitude of many puritanical groups regarding status of woman in a Muslim society have given old stereotypes additional strength.

Even among Muslims, particularly those with a Western secular background the impression persists that Islam has put woman in a much inferior position compared to man and that the only way Muslim woman could enjoy the fruits of modern civilization was to reform her legal status and give her a new package of rights that would narrow the gap of disparity and discrimination between the sexes that has traditionally persisted in a Muslim society. To support their contention they often refer to some verses in the Qur'an, in which God has specifically appointed men as guardians of women, and has given them even the right to physically beat them. The verses are as follows.

Men are in charge of women, because Allah hath made the one of them to excel the other and because they spend of the property (for the support of women). So good women are the obedient, guarding in secret that which hath guarded. As for those from whom ye fear rebellion, admonish them and banish them to beds apart, and scourge them. Then if they obey you, seek not a way against them. Lo! Allah is very high Exalted. Great!<sup>27</sup>

Muslim modernists particularly those inspired by the Western secular feminist movements have been advocating reform in the legal and social status of Muslim woman for more than hundred and fifty years. The Muslim traditionalists on the other hand emphasize that the basic laws of *Shari'yyah* could not be changed and moreover they are convinced that Islam has given women rights and privileges which are much far superior to ones they have been given in other legal systems of the world. In their opinion laws which are based on custom could be changed, and certain rules of the *Shari'yyah*, which are not regulatory could also be reinterpreted.

They give examples of a Muslim country like Tunisia, where legislators are making use of the controversies surrounding certain areas

of Islamic law, and wide variety of interpretations to which they have been subjected, have evolved an Islamic code, which without damaging the spirit of *Shari'yyah*, has accommodated all the sterling characteristics of modern legal and social theories.<sup>28</sup>

The primary reformative thrust of modern Muslim reformers has been against the Islamic laws of marriage and divorce. They point out these laws subject women to lot of injustice. The traditionalists, however, contend that the charge of injustice is totally unfounded, and is based on misunderstanding and prejudice. In their opinion according to Islam marriage is a civil contract between a man and a woman in which one party makes a request, the other either accepts or rejects. Both man and woman have to be adult of sound mind and outside the prohibited degree of relationship. Mentally incompetent and minors could be married with the permission of their guardians. The contract is solemnised in the presence of two witnesses and does not require formal written validation. In recent years many Muslim countries in order to avoid legal complications have made registration of a marriage contract a statutory requirement. Moreover for a marriage contract to be effective husband is expected to pay to the wife a certain amount of money called *mahr* which is not a prize money as generally understood by the Western observer, but a compulsory gift to the wife which becomes her private property. The most controversial of marriage-related matters that creates lot of misgivings in many quarters is the question of polygamy. The Qur'an has said, "marry of women whom you please, two, three, or four. But if you fear you cannot just to all of them, then only one." Leaving aside the Western observers who think it is an outright conjugal tyranny of man over woman, even the bulk of Muslim reformists of modern times think this institution is extremely degrading to woman and have led a powerful crusade for its abolition. They point out that the verse in the Qur'an has in itself imposed a serious constraint on polygamy when it puts the condition of justice. In their opinion it is simply impossible for man to do justice to more than one woman at a time. The Muslim jurists, however, continue to contend that there is a lot of divine wisdom behind this practice. It puts a brake on immorality by giving man an opportunity to marry a woman he likes instead of keeping her as a mistress. Moreover if a wife is sick or incapacitated to fulfil her marital obligations, her welfare is guaranteed by the husband, while he is allowed to have another wife for healthy marital relationship.

But in spite of all this certain Muslim countries have taken certain legal steps to curb this practice. Tunisia has totally banned polygamy, Iraqi law requires court permission to have a second wife, and in Pakistan, permission of the first wife is a legal requirement to have a

second. In Egypt the family law of 1980 requires that husband only inform his first wife of his impending marriage, and in case the latter does not approve she could seek a divorce. It must, however, be kept in mind that at present in the Muslim world polygamy is a legal problem and not a social issue. The economic realities and practical considerations of modern times have compelled Muslim men to remain monogamous. The result is that in every Muslim country polygamy is confined only to a microscopic minority.

Another important question about Islamic marriage is the matter relating to obedience of wife to her husband. It is called *habs*, which literally means detention and gives the husband the unbridled privilege to curb the movements of his wife outside the house. The Qur'an says, "They (women) should not go out of the house lest they commit a grave sin." The Muslim jurists have interpreted this verse to construe that a woman cannot leave the house without the permission of her husband. The only place she can visit without permission is her parents house. Other than parents she could visit her relatives only once a year, and for an overnight stay even at her parents house she must seek first her husband's permission. It is the *habs* clause which is often used by Muslim men to impeded women's right to work or join institutes of higher education. A woman who defies her husband in this matter is deemed to have committed *nashis* and thus forfeits her right for financial support from her husband. Since the middle of the nineteenth century there has been a movement under way to redefine the concept of *habs*. Among certain circles it is being argued that woman going to work violated to *habs* if she specifies going outside the condition in the marriage contract."<sup>29</sup> But it is pointed out that the husband could force the wife to give up work if it put on him "unnecessary hardship." The husband is given the right to define the term hardship for himself.

Divorce is one of the most critical dimensions of marriage. Therefore no marriage law could be complete without laying down specific clear and rational rules for divorce. Islam in its family laws has also furnished a comprehensive framework of regulations for the termination of marriage, but they make demonstrable discrimination between the rights of men and women. Men are equipped with the right to dissolve marriage by simply pronouncing "I divorce you" in the presence of two creditable witnesses. Man has also the right to remarry his divorced wife within the period of *iddah*. The woman on the other hand does not have the similar right of divorce. She cannot seek divorce without adequate grounds and that too only through a regular court procedure. The grounds available to her are as follows:

1. Husbands failure to provide financial support.
2. If a husband is suffering from an incurable illness.
3. If a husband subjects a wife to social convenience to which she is not accustomed.
4. The husband's absence for one year without any valid reason.
5. If the husband is imprisoned for more than three years.<sup>30</sup>

The above synoptic view leaves no doubt that in Islam man and woman are discriminated so for divorce laws are concerned. Therefore jurists and the rest of the defenders of Islamic personal law have been at great pains to find out all kinds of justifications and rationalization for it. It is alleged that an average woman tends to be much more emotional and sentimental than man, and Islam by putting legal constrains on their right to divorce has tried to put up defences against her emotionality. If she had been given the same right to divorce as man it would have been a permanent threat against the stability of the family. The advocates of women's rights, however, reject this allegation as unreasonable and without any empirical evidence. But in spite of great feminist resurgence in the Muslim world no concrete steps have been taken to equalize rights of man and woman in matter of divorce.

### **Modernization of Islamic Laws**

The heralds of the modernization of Islam, immediately after the inception of their movement realized that if they could change the legal and political framework of Islamic ideology it would immensely facilitate the envisioned changes in the social, moral, and spiritual institutions of the Muslim society. Legal thinking and the political philosophy of the people tend to be more conservative in their subject matter. Therefore, if the modernists wanted to accomplish their objectives they had to formulate new legal outlook, and a different political theory to give new shape and form to a Muslim society that would be dynamic and in consonance with the realities of modern times.

In order to understand in fullness the implications of legal change as the part of the general process by the modernization of the religious ideology it is essential to make a synoptic survey of the various efforts that have been made in this direction in the Muslim world during the past hundred and fifty years. This would furnish a pertinent historical perspective to a problem that has been so crucial to every effort that has been made to modernize the social and political framework of a Muslim society.<sup>31</sup>

It is axiomatic that the quality and excellence of laws are the major determinants of the level of civilization that any human society has achieved. The spirit of its laws also gives us the indication how much and to what extent fundamental rights of men and women are guaranteed and what kinds of safeguards are provided to citizens against any assault or encroachment on their life and property. It is therefore, not surprising that modern Muslim reformists very early in their reformative crusade realized that without major changes in the legal system of Islam, Muslim communities around the world would remain backward and underdeveloped in every sphere of national life. During the nineteenth century the Ottoman Empire was passing through a period of great internal and external turbulence. Externally the western Christian powers had declared Turkey the “sick man of Europe” and putting heavy pressure on the Ottoman Sultan to introduce rapid reforms so that Turkey could be strong enough to act as a buffer state against the expansionist designs of Russia. This was the crux of the whole problem of the Eastern Question that highlighted the diplomatic and political history of nineteenth century Europe. Internally the spread of the western education and infiltration of liberal ideas from Europe had created a powerful group of reformers who were pressing hard for introduction of certain, social, educational, administrative and constitutional reforms. Their primary thrust, however, was towards administrative and legal reforms within the empire. Officially *Shari'yyah* was the law of the land for the Muslim subjects of the Ottoman Sultan. The proponents of the reforms felt that there were numerous glaring inadequacies in the legal system of the empire which hampered its adjustment to the exigencies produced by modernization. They questioned the legality of the entire accumulated fund of *fatawa* and found them hollow in substance and irrational in contents. The leaders of the Tanzimat were convinced that without major changes in laws the possibility of heaving social and political reforms was very remote. In 1858 the Sultan succumbed to the internal and external pressures and promulgated a new penal code which was borrowed from the French criminal justice. The new code, however, did not completely abrogate the *Shari'yyah*, because it pointed out that only the penalties which the religious law had left to the discretion of ruler would be governed by the new code, and further the rights guaranteed to an individual by the *Shari'yyah* would not be tempered with.<sup>32</sup> But in spite of this limitation the new code strengthened the Tanzimat movement and facilitated the task of the reformers in increasing the pressure on the rulers for more reforms.<sup>33</sup> The major legal reforms in the Ottoman Empire were embodied in a document called the *Mujallah*. It was mostly drafted by Ahmad Cevedet Pasha (1822-1895) a religious

scholar who had also studied modern subjects. He had been recommended by the Shaikh al-Islam, because both the religious and reformist circles of the Ottoman Empire had faith in his versatility, integrity and knowledge. Cevdet was essentially a conservative scholarly statesman, but his conservatism did not make him oblivious to the unavoidable realities of the contemporary world. He was convinced that no damage to religion would be done if the Ottoman legal system was brought closer to the modern judicial system of the West.<sup>34</sup>

During the inter-war period under Ataturk Turkey was the first Muslim country to disengage itself completely from the laws of *Shari'yyah*. We have already seen that the Ottoman rulers of Turkey had taken steps during the nineteenth century to westernize many areas of the traditional Islamic legal system, but their efforts were somewhat half-hearted. Ataturk on the other hand was totally committed to secularism and showed no hesitation in adopting European legal codes and abolishing *Shari'yyah* completely as a legal phenomenon from the lives of peoples. He too, over the Swiss civil code and in criminal justice put Italian Criminal Code of 1889 and put them on the statute book. Turkey, in the modern history of Islam became the first Muslim states to abrogate the laws of *Shari'yyah*. But in making an assessment of the legal transformation of Turkey under Ataturk we have to keep one fact in mind that transition from Islamic legal system to the Western legal system in Turkey had to encounter certain initial difficulties. This was particularly the case with regard to the personal law. The laws of *Shari'yyah* in Turkey had a long history behind them; and they were deeply rooted in the cultural ethos of the people, as such it was not easy to eradicate them by simply passing an ordinance. For instance according to new Family Law marriage was legally valid only after it had been solemnized as civil marriage before a proper public official. This law was effectively implemented only in cities, and authorities found it very hard to enforce it in the rural areas. Peasants in villages continued to arrange marriages according to the laws of *Shari'yyah*, although the government refused to recognize children of such marriages as legitimate. As the number of such children continued to grow, the National Assembly had to periodically enact special laws to give these children a legal status. For a villager the rules and ceremonies pertaining to civil marriage were cumbersome and the rules and ceremonies pertaining to civil marriage were cumbersome and lacked the pageantry commonly associated with religious ceremonies. People were also resentful of new laws because they had made divorce so difficult.<sup>35</sup>

Egypt was among the earliest Muslim countries which come into contact with the West. Napoleon's conquest and occupation of the

country was an event of episodal significance. He did not come merely as a political adventurer to gain some temporary glory. He had plans of introducing revolutionary changes in the social order and legal framework of the conquered territories. He brought with him a group of scientists and scholars who were to find out ways and means by which Egypt could be surveyed culturally and socially, and suggest means by which Egyptians could be inducted into the mores of the Western civilization. Napoleon's political domination did not last too long, but the cultural and intellectual influences that he brought with him became integral part of modern Egypt. The modernizing policies of Muhammad Ali Pasha, and his son Ismail Pasha further strengthened the cultural and educational ties of Egypt with Europe. In the midst of this the opening of the Suez Canal 1869 made Egypt a permanent meeting ground between Islam and the Western civilization. This cultural confluence had impact practically on every sphere of people's life, but it was in the area of law, that reformative efforts of Egyptian leaders created a lot of controversy and had far-reaching effects on the newly emerging social order in Egypt.

Although officially Egypt was still a part of the Ottoman Empire, but since the days of Muhammad Ali Pasha, it had been following an independent course of action in its internal and external policies. Egyptian reformers adopted a much more radical attitude towards legal reforms. Muhammad Ali's successor Khdiva Ismail Pasha was a tireless advocate of reforms and with the help of his Foreign Minister Nuhar Pasha, he created the Mixed Courts. The laws administered in these courts were developed by a French lawyer M., Manoury which were mainly derived from the French Civil Code. Some of these laws were unquestionably against *Shari'yyah*, and must have created a considerable consternation among religious circles. In the area of personal law a code compiled by Muhammad Qadri Pasha based on *hanafite* school of Islamic jurisprudence was generally administered in the Egyptian courts.<sup>36</sup>

By the end of the nineteenth century, most of the Muslim nations in the world had been subjected to European colonialism. The colonial authorities launched a concerted and premeditated attack on native cultures and the traditional institutions which they found in the colonies. In the Muslim world they showed special abhorrence for Islamic legal system, and made determined efforts to introduce radical changes in it.<sup>37</sup> Therefore, wherever European colonial powers assumed political and administrative control in the Muslim world legal reforms was their top priority. After World War I (1915-1919), when the Ottoman Empire disintegrated, and all Arab states except Saudi Arabia were handed over



as mandates to be administered on behalf of the League of Nations by England and France. The administering authorities soon after they had assumed power in the Muslim lands, decided to introduce drastic changes in their legal systems. They were helped in this design because long before their arrival climate for legal reforms had been created in the Middle East during the nineteenth century. As mentioned earlier, the Ottoman government had adopted the Digest of Just Laws called *Mujallah*, and a similar code had been written for Egypt by Qadri Pasha. The two codes had tried to blend Islamic laws with the legal precepts of the European countries. They borrowed the Western legal forms, and harmonized them with *hanafi* laws of contracts, civil obligations, Family Laws, laws of inheritance, property and pious foundations.<sup>38</sup> Later the same method was followed by Dr. Abd al-Razzaq Sanhoury in compiling his famous manual of Muslim laws, which acted as a beacon of reforms for many Middle Eastern countries. In all these efforts there was a dominant element of caution because the reformers knew that Muslim masses would not accept any drastic deviation from the laws of the *Shari'yyah*. But in spite of this caution they were able to launch certain reforms successfully and occasionally were helped by leading religious dignitaries in winning public support for the changes. For instance, Shaikh Khallaf of al-Azhar once remarked, "the goal of the law is only the welfare of men, and wheresoever lies the welfare of men, there is the law of God."<sup>39</sup> Rifaah Badawi Rafi al-Tahtawi during the first half of the nineteenth century had recommended that the Islamic law must be changed to accommodate new social circumstances. He recommend that Muslim jurists instead of following a particular school of Islamic jurisprudence must practice *takhayyur*, which allowed a Muslim to seek remedy against any legal wrong from rules outside his own school of law. Later Tahtawi reform movement was strengthened by the advocacy of such eminent scholars and reformer like Muhammad Abduh and Qasim Amin. Abduh throughout his career as a reformer tried to establish that the Qur'an did not debar the Muslims from reinterpreting legal injunctions so that they could remain progressive and dynamic in their outlook. He was particularly critical of the down grading of women's status in Islam and considered polygamy only a concession to the prevalent social conditions in the time of the Holy Prophet and that the tone and intent of the Qur'an as shown in some of its verses was strictly monogamous. While Abduh was busy in sorting out the legal and theological connotations of Islam and modernity, his disciple Qasim Amin waged an unremitting crusade against the social and educational backwardness of the Muslim women. He was against arranged marriages and vehemently criticized the denial of right of divorce to Muslim

women. His two books entitled *Tahrir al-Mara* and *al-Mara al-Jididah* created a widespread uproar among the orthodox circles of the Arab world, but were warmly welcomed by Muslim modernists and particularly the feminist organizations hailed him, as the great liberator of the Muslim women.<sup>40</sup>

Egyptian reformers were the chief catalysts of legal reforms in the Muslim world. First of all they focused their attention on Family law, and took steps to introduce changes in such areas as marriage, divorce, inheritance, and religious endowments. Although the real thrust for legal reforms did not start till 1920, but as early as 1897 the Egyptian Code of Organization and Procedure for *Shari'yyah* Courts had been passed which demanded written documentation in marriage, divorce and certain matters relating to inheritance. As mentioned earlier the traditional religious practice of oral contract in marriage, had always been a source of many difficulties. False and fabricated claims and courtier-claims were possessing grave threat to the institutions of marriage and family. The need for documentation was further emphasized in the Code of 1909-1910 which was again amended in 1913. In 1923 the registrars of marriages were ordered not to issue certificates of marriage for brides who were less than sixteen and for grooms of less than eighteen. In 1931, all the changes that were being introduced into the functioning of *Shari'yyah* courts in Egypt were consolidated in the Law of the Organization and Procedure of Shariah Courts of 1931. By putting legal constraints on age in determining ones eligibility for marriage child marriage became illegal.

Along with marriage the question of divorce was also a matter of deep concern to Egyptian law reformers. In Egypt the *Shari'yyah* courts practiced Hanafi legal code which was the most rigid, and formalistic, in dealing with women's right to divorce. The Hanafi Jurists tended to be very narrow-minded in delineating Muslim woman's right to seek divorce. According to Hanafi law, women had no recourse to divorce, even when they were deserted and maltreated by their husbands. Egypt broadened women's right to divorce in 1920 and again in 1929. Under these laws, a woman could ask for a divorce because of husband's failure to provide maintenance, or he suffered from contagious disease or she had been deserted or maltreated. These changes in law resulted from *takhayyur* which meant that a judge was at liberty to select rules from any of the four Sunni schools of Islamic jurisprudence in deciding cases relating to marriage and divorce. In the matter of the custody of the children, the Law 1929 authorized the courts if necessary, to leave the custody of the children in mother's hands till the age of nine in the case of boys and eleven years for girls (previously it was seven for boys and

nine for girls). In the Hanafi law the woman had been given the right to seek divorce on grounds of desertion, but it defined desertion in very rigid and narrow terms. She could petition the court for divorce only if the husband was not traceable for ninety years from the date of his birth. After this the court could release a woman from marriage by declaring her a putative widow. The 1929 law declared that if a husband was absent for more than one year without sufficient reasons, the woman could sue him for an irrevocable divorce.<sup>41</sup>

The reforms of 1920 and 1929 were impressive but they still did not fulfil all the modernist demands and also did not cover all the important areas of marriage and family laws. In 1926 the Egyptian government appointed a committee to recommend some other reforms. The committee made recommendations which were mainly based on Hanabli law which entitled woman to put any condition she liked in the marriage contract. She could even put a condition that would forbid husband to take a second wife. The report of the committee was very critical of polygamy, blaming it a major cause for the neglect of the children particularly in the case of men who did not have the means to support one family, but contracted second marriage. The Cabinet approved the recommendations but the orthodox circles were so upset and agitated, that King Fuad vetoed the Bill. In 1943, 1945, 1969 and 1971 further efforts were made to reform the family law in Egypt. In 1971 a Committee presided over by Dr. Aisha Ratib made several recommendations for the reform of Islamic family law in Egypt. Finally all these reformative efforts were epitomised in the Law No.44 enacted in June, 1979. Under this law a wife must be informed if the husband takes the second wife, if the wife disapproves it she has the legal right to sue for a divorce. Moreover if a man conceals from the second wife the fact that he is already married, this entitled the second wife to seek divorce from him. Moreover if a woman is divorced without a just cause she could claim at least two years alimony over and above the maintenance allowance to which she is entitled for the period of *iddah*. In addition to these changes the reform law of 1979 points out that if wife leaves her husband's house and refuses to return after the husband has served an official summon through a bailiff, the marriage is automatically terminated from the date of the refusal. The new legislation also recognized woman's right to work.<sup>42</sup>

## Iran

Iran is another modern Muslim state which came into close contact with the Western civilization during the last decades of the nineteenth century and the early years of this century. It was the first country in the

Middle East where oil was discovered and this discovery opened the floodgates of the Western influences. European powers entered into cut-throat competition with each other to seek influence in the politically bankrupt court of the weak Qajar rulers. Finally England triumphed over others and laid the foundations of the Anglo-Iranian Oil Company at Abadan in the south of Iran. The work and achievements of this company is a very powerful chapter in the economic history of modern Iran. The influx of the large number of Europeans, opened pathway to modernization, but Iran's real encounter with modernity took place after the rise of Reza Shah, the founder of the now defunct Pahlavi dynasty. He considered traditional Iranian culture an insurmountable barrier to modernization and through introduction of the Western system of education, and reform of laws and judicial procedures, he wanted to remove this barrier. The new ruler was determined to give "New Order" to his nation by initiating important reforms in every sphere of national life. The path before him, however, was rough and difficult, because Iran's classical heritage was crowded with many religious and cultural orthodoxies which resisted modernization. Reza Shah's whole program of education was meant to reduce the influence of the religious classes.<sup>43</sup> Although education was a very important part of his reformative platform, but it was in the field of law that he thought the country needed the maximum changes. It was also his belief that if he reformed the laws of the country it would automatically limit the role of religious classes, because it was their handling of the legal matters which gave them revenues and social prestige. Reza Shah, however, taking lesson from the fate of King Amanullah of Afghanistan, whose overzealous pursuit of modernization proved disastrous, did not revise the legal system in haste. The first volume of the new Civil Code was presented to the *Majlis* on May 8, 1928, and the final volume was approved in October 1935.<sup>44</sup> The three volumes of the code covered nearly every aspect of a citizen's life and reflected deep influence of French, Belgian and Swiss codes. The new laws were more systematic and well-defined, and introduced changes in the family and marriage laws. It was laid down that after the marriage had been performed by the *mulla* it must be registered with civil notary. The legal reforms from the point of view of the fundamentalists were drastic no doubt, but compared to what had taken place in Turkey they were modest. In the case of inheritance, the new law for instance included all the provisions of the *Shari'yyah* and personal status laws of the non-Shi'ites were not affected by the new code.<sup>45</sup>

## Muslim Law and Modernity after World War II

The end of World War II witnessed traumatic changes at trans-national level. The world was still a family of independent sovereign states, but revolutionary advances in the technology of civil aviation, and growing inter-dependence of world economies had made inter-action among nations become much more frequent than it had been ever before. Discovery of oil in many more Muslim countries in the Middle East was in itself an event of indisputable significance with far-reaching cultural implications for these countries. Change became the new political and economic gospel in the new era. Cross-cultural studies became a common feature of the academic world in the West. Decolonization produced the whole new world called the third world, with bewildering variety of problems of its own. In fact, the entire world seemed to be in a state of psychological and sociological flux. Therefore one is not surprised that Muslim world also opened its new chapter of legal, political and economic reforms with tremendous gusto. In some cases changes were becoming almost irresistible. This intensified the clash between traditionalism and modernity, and put Muslim scholars and reformers on the trail of finding solutions to the problems and dilemma which were not new, but due to changed circumstances had increased in gravity manifold.

If the original intent of the Qur'anic laws had been followed, legal reforms in Islam would have been very difficult. But very early in Islamic history political forces were unleashed which helped reformers in the past to make changes in law, and the modern reformers are seeking help from the same instrumentalities in adjusting at least some portions of the *Shari'yyah* law to new social and cultural realities. Islam started as an ideology which was a binding force both for the rulers and the ruled. But things changed very fast after the death of the Holy Prophet, and particularly when the Pious Caliphate ended the changes in political theory of Islam were traumatic. Rulers became despotic and often violated laws of *Shari'yyah* with impunity. Matters got worse when some leading Jurisconsults made obedience to a ruler a religious duty even when he had violated the laws of *Shari'yyah*. It was done on the plea that a tyranny of an incompetent and non-practicing Muslim ruler was a thousand times better than chaos. As a result of this, the Muslim community failed to create constitutional mechanism by which rights of citizens could be protected against the arbitrary authority of the state.<sup>46</sup> This tradition of Islamic political theory has been further strengthened in modern times by the importation of the Western concept of sovereignty that confers on the government in power, the right to make and unmake

internal and external policies. It is this privilege of the state that is being used by modern Muslim reformers to change the laws of *Shari'yyah*.<sup>47</sup> The introduction of the Western rules of judicature has deprived the traditional religious courts of their competence to administer the laws of *Shari'yyah*, and the popularly elected legislatures are asserting their privilege to pass any law that serves public interest and welfare. Although its intensity varies, but the wind of change is blowing in every modern Muslim society. Even a country like Saudi Arabia, a very powerful strong hold of religious orthodoxy is experiencing serious constrains on its traditional outlook. The oil money and the fast growing contacts with the West have initiated irresistible forces of change. Planning commissions, administrative panels, and the lightening growth of trade and commerce have necessitated the compilation of ponderous manuals of rules and procedures that are generating factors that are going to have profound bearing on the future of *Shari'yyah* law in that country.

Joseph Schacht is of the opinion that if the Islamic theory shows the same assimilative capabilities, that it had shown during the early formative period of Muslim jurisprudence, the legal reforms would not face any serious challenge from the traditional conservative circles. He refers to the *fatawas* of Shaikh al-Islam Abul-Suud who during the reign of Ottoman sultan Suleman in 1550 categorically stated that the competence of the *qadhis* was derived from the Sultan the supreme appointing authority, and therefore under no circumstances they could deviate from his directives This principle gave the Islamic government the power to render any law of *Shari'yyah* inoperative. The later legislators made extensive use of this procedure in creating an equilibrium between theory and practice of Islamic law. The new laws were generally labelled as administrative regulations or *Qanun Namas*, and were never deemed to be contradicting any religious law. During the nineteenth century particularly, it was a common practice the sacred law. The basic dilemma which the law reformers of the Muslim world confront today is to examine the extent to which Islam is still capable of assimilating new practices without disturbing the delicate equilibrium which has kept laws of *Shari'yyah* still a dynamic force in the life of the millions of Muslims around the world. Schacht has explained this dilemma by saying that, "this process resulted in the creation of an equilibrium between the theory of law and the actual practice, an equilibrium delicate in fact but seemingly unshakeable in closed society. This equilibrium was destroyed by the impact of Western influences in modern times, and a new period of indiscriminate reception from abroad began. Such is the present situation of Islamic law, by which I mean here the whole compound of traditional doctrine, and modern modifications,

in most Islamic countries, and it remains to be seen whether history will repeat itself, whether the central Islamic core of doctrine which is immeasurably richer but also more rigid than it was in the first two centuries of Islam, will once more exercise its power and assimilate and Islamicize the new legal doctrines and institutions.”<sup>48</sup>

Schacht has further pointed out that due to indiscriminate borrowing from the West the Muslim world has been thrown into confusing intellectual and philosophical fermentation regarding legislation and it resembles a great deal with chaos that followed the infiltration of alien legal and social philosophies during the first century of *hijrah*. This stage has to be followed by the second one in which ambiguities, inconsistencies between theory and practice and apparent anomalies are removed. Through a process of some kind of ideological incubation new ideas are born, and the ones which are patently either incongruous or hostile to the religious doctrine are rejected. In other words, this is a stage of systematic merger and a synthesis, which streamlines the haphazard influx of outside influences.<sup>49</sup> Most of the modernists who are advocating legal reforms seem to be following the trends so lucidly portrayed by Allal al-Fasi, a well-known statesman-scholar of Morocco in 1949, at the time when that country was undertaking drastic changes in its legal system. He said:

Without wishing to draw hasty conclusions from all I have said, I must declare that it is in the interest of our country to work out a Moroccan code which would be applicable in all tribunals to all inhabitants, a code which would have as its essential legal basis Islamic law and French and foreign codes. After this code has been approved by His Majesty and the religious scholars have confirmed that all its provisions are in absolute agreement with the general principles of Islamic law, it will be called the Islamic Code of Morocco. Many people who think themselves clever will believe that such a code is mere regression because the civilized countries have adopted a purely secular legislation. Certain partisans of immobility, on the other hand, will charge me with wishing, by my suggestions, to undermine the basis of Islamic law. To all of them I say that a law based on transcendent principles cannot be put into the shadow of any other, to take it as the essential basis of our future legislation means helping to safeguard it and means giving to our country a code which is adapted to our secular interests without contradicting our religion or the needs, taken in their widest sense, of modern progressive spirit in the most highly civilized countries.<sup>50</sup>

The Muslim modernists have repeatedly emphasized that the laws of *Shari'yyah* in their general framework are immutable, but the history of the social and political theory of Islam leaves no doubt in the mind of any observer that divine injunctions leave sufficient elbow room for human reason, to exercise discretion in the accommodation of changing social realities or customs and norms which are very hard to eradicate,

There is almost a library of *fatawas* of the *muftis* which were specifically pronounced to resolve specific problems for which enough guidance was not available in the Qur'an or Sunnah.<sup>51</sup> This in itself is an eloquent testimony that nothing in Islam forbids a Muslim society from adopting innovative legislation as long as it does not contradict or question the fundamental beliefs. It is pointed out that the establishment of the courts of *shurta* and *mazalim* as parallel jurisdictions to *qadhi* the religious judge, had already set the precedent in this direction. The presiding officers of *shurta* and *mazalim* were allowed to find wide variety of independent legal devices to handle particular cases. They were entirely responsible to the secular ruler, and had wide powers to frame rules and even initiate new punishments for the culprits.<sup>52</sup> The modernists have adopted a similar attitude in their reformatory crusade. The pertinent example in this matter would be the efforts of Muhammad Abduh who put forward two basic principles for the reformed jurisprudence of modern Islam. The first was *maslehat* and the second was *talfiq*. Abduh contended that adoption of *talfiq* would be a tremendous leap forward to create a uniform system of Islamic law.<sup>53</sup> Rashid Rida declared *talfiq* a very useful and legitimate instrument that would facilitate the modernization of Islam and bring it up-to-date to meet the challenges of contemporary complex life.<sup>54</sup> Both Abduh and Rashid Rida derived their inspiration from Imam Malik ibn Anas who recognized *masleha* as a legitimate instrument of law-making. Anything that benefits the community can be a guiding principle of law-making in an Islamic state. Departure from the normally accepted legal ethos and procedures is legitimate if it serves the public interest. There is no doubt that this discretion in subject to serious constraint in the sense that its application is limited only to some extraordinary cases, but at the same time it gives a clear indication that in spite of the rigid framework of the religious law, there is an element of flexibility that enables every Islamic code to accept compromise with new realities. An esteemed Egyptian theologian al-Zurqani (d.1710) in his commentary on Imam Malik's *Muwatta*, has said, "It is nothing strange that laws should be adapted to circumstances."<sup>55</sup>

This is also the attitude of the rulers of Saudi Arabia today. This was particularly the case under the late King Faysal, who both as Prime Minister and then as king gave Saudi fundamentalism a very progressive slant. The Saudi kingdom was able to adopt many new laws. Observers have called this kind of approach to religion as, "pragmatic fundamentalism." The earliest manifesto of "pragmatic fundamentalism" was announced by King Faysal in 1962 then as Prime Minister of the



kingdom. He issued a basic document containing ten-point program of reorganizing the frame of reference of the public policy. The program initiated the restructuring of the central and provincial machinery of government, complete renovation of the country's judiciary, and improvement in social welfare, financial administration, and economic development. It also abolished slavery in any shape or form. About the role of the religion, the document stated, "in as much as the texts of the Koran and Traditions are fixed and limited, while modern times and experience of the people in the worldly affairs are constantly changing rather than being limited, and in view of the fact that our youthful state is ruled according to the letter and spirit of the Koran and Traditions, it had become imperative for us to give greater attention to jurisprudence and for our jurists and ulema to play a positive and effective part in the discussion of important matters of State."<sup>56</sup> King Faysal's "pragmatic fundamentalism" won him friends and admirers in a variety of circles with extremely divergent attributes. From extreme radicals to staunch believers in orthodoxy all showed him respect as a voice of reason, and moderation in a world so badly infested with fanaticism. In 1975 *Time Magazine* named him the Man of the Year and Henry Kissinger called him "a sort of moral conscience for many Arab leaders." This was magnificent tribute to his success in harmoniously blending modernization with fundamentalism. On the religious side, "pragmatic fundamentalism" continued to enforce Qur'anic laws in matters relating to gambling, drinking, public behaviour, status of women, theft, and adultery.

### **Pakistan on Legal Crossroads**

In India, Pakistan, and Bangladesh, the Muslim rule of nearly five hundred years was brought to an end by the British in 1858, when the last of the Mughals was sent in exile to Rangoon (Burma) and the sub-continent became a Crown colony. The British established a well-knit and unified judicial system, presided in the beginning by mostly the English judges. The English common law generally dominated the court proceedings, but a regulation issued by the government of India stated that in matters regarding, "inheritance, marriage, and castes and other usages or institutions the laws of the Koran with respect to the Mohomedans shall be invariably adhered to". These Islamic laws were administered by the British judges, but they were usually assisted by Muslim scholars conversant with the religious law. The result was that the duality of legal system (secular and religious court) which was almost a universal feature of the judiciary in the Muslim states in the Middle East did not exist in Indo-Pakistan sub-continent. The conditions

after independence have remained more or less the same, although in Pakistan law reform movement gained momentum and became a very important issue of public debate and controversy.

Sir Syed Ahmad Khan, the nineteenth century Muslim educationist and reformer, is considered to be the first great advocate of the legal reforms of the Muslims of South Asia. The rise of the British rule had left the Muslims of India and Pakistan economically, politically, and culturally very despondent. Their political supremacy had been quenched, their language had been replaced with English and their educational system had been labelled archaic, out-dated and totally out of tune with the needs of the time. Maulvi Chiragh Ali, one of the prominent reformers who clustered around Sir Syed to support his reformative crusade, perhaps was the first to raise a voice against inherent deficiencies of Islamic laws. He criticized its rigidities, and pointed out that *taqlid* of the four Sunni schools of Islamic jurisprudence had made Muslim laws unrealistic and declared that many of its aspects were not Qur'anic but customary. John Esposito has summed up Maulvi Chiragh Ali's views on legal reforms as follows:

These Qur'anic intents and commands (the spirit and letter of its laws) were diverted through the ages by the classical jurists who, in areas such as polygamy and divorce, developed laws which reflected customary practices often at odds with the Qur'an. Ali believed to eliminate anachronistic customary practices alien to the Qur'an was essential to the modernization of the Muslim community.<sup>57</sup>

While reformers like Chiragh Ali were trying to impress upon the members of their community the need for legal and social change, the British rulers had started gradually making encroachment on many of the Islamic legal practices which they considered irrational, and were not in consonance with the spirit of their own system of common law. In 1862 they enacted the Indian Penal Code and the Code of Criminal Procedure. Certain portions of Indian Civil Procedure Code had also been codified. All these reforms meant substantial departure from the Islamic legal system, and out of this mixing of Islamic and British laws, a new legal system called "Anglo-Muhammadan Law" emerged which is still in vogue to a vast extent long in countries of South Asia including Pakistan.

The British started their legal reforms by putting the Indian Evidence Act of 1872 on the statute book. The most important article of this enactment was the change in the Hanafi law of putative widowhood. As mentioned earlier the Hanafi law had fixed a period of ninety years from the date of the birth of the husband before the court could declare husband legally missing. The British thought it was patently unjust and excessive and declared that if after seven years husband could not be

found, he was legally dead, and courts were given the right to pronounce woman to be in state of putative widowhood.<sup>58</sup> In 1929, the British government passed the Child Marriage Restraint Act. Child marriage was much more common among Indian Muslims than in other Muslim countries and this Act restricted minimum marriageable age for girls at sixteen and for boys eighteen. The Act laid down certain penalties for any male over twenty-one who married a minor girl and parents or guardians who promoted such a marriage or did not prevent it could also be punished. The law regarding child marriage was not a complete success, because such a marriage though illicit remained a common phenomenon, particularly among the lower classes of Muslim society. Many years passed before the British government again turned to Muslim family law and in 1939 passed the Dissolution of Muslim Marriage Act. We have noticed earlier that Islam gives woman a very limited right to divorce. The new Act was meant to provide Muslim women a judicial remedy against this limitation. It broadened the grounds on which a Muslim woman could apply to the court of law for the dissolution of her marriage. To the husband's impotence and option of puberty were added such reasons as desertion, failure to provide maintenance, inability to undertake marital obligations and maltreatment. Desertion was defined as unexplained absence of husband for four years. Similarly the Act widely expanded the definition of cruelty and maltreatment. Six new points were added to it.

1. Is in the habit of assaulting her frequently. Even mental torture amounts to physical maltreatment.
2. Mixes with pin-ups or prostitutes and carries a bad reputation.
3. Forces her to lead a life which is socially and morally disapproved.
4. Sells her property or creates difficulties for her in managing her own property.
5. Stops her from practicing her religion.
6. Has a polygamous household and treats his wives unjustly.<sup>59</sup>

Among the new Muslim nations that emerged on the world scene after World War II, Pakistan perhaps was the only state that was created solely in the name of Islam. Muslims of South Asia apprehended that in a politically united sub-continent they would live permanently as a minority and living under militant Hindu majority which also had deep-rooted religious proclivities would pose a threat to Islam and jeopardize Indian Muslims' cherished hope of moulding their lives according to the spirit of the Qur'an and the laws of *Shari'yyah*. Therefore they aspired to have a homeland of their own in which provinces where they had

majority, so that *Shari'yyah* could become a living and activating force in national life. The message of rejuvenating Islam was so vibrant and thrilling for Muslim masses that within a short period of time Pakistan which was labelled sarcastically as the poetic dream of Sir Muhammad Iqbal became a political reality in 1947 when the British consented to partition South Asia into two independent states.

From its very beginning Pakistan movement presented an imponderable paradox and it has continued to haunt it during its short but tumultuous history of forty seven years. It sounds strange that the movement that was sired in the name of Islamic ideology was vehemently opposed by leading Muslim religious scholars and those who fervently supported and the politicians who provided the core of its leadership were either Muslim modernists or patent secularists. After independence, however, the religio-political climate in Pakistan took a dramatic turn. Religious parties and many leading ulema, who at the height of the struggle for independence had either openly denounced the movement or sat at the fence, took a political somersault and not only became enthusiastic supporters of Pakistan, but started clamouring or immediate Islamization of all legal and political institutions in the country. This struggle between orthodoxy and modernity has kept the people of Pakistan in a state of perpetual identity crisis. Those who are studying and investigating legal and political implications of Islamic resurgence, Pakistan provides a pertinent and unique case study where a nation in spite of repeated efforts has not been able to Islamize the life and character of its people strictly according to the laws of *Shari'yyah*. Wilfred Cantwell Smith says, "Within the confusion of Islamic modernism, and alongside the hesitancy of much of Islam's contemporary self-statement, the emergence and development of Pakistan stands out as dramatic and creative self-disclosure."<sup>60</sup> Wayne Wilcox found religio-political climate in Pakistan paradoxical. Whatever was being advocated and preached from platform and pulpit in the name of religion was conspicuous by its absence from the policy-making chambers of the state. He has summed up his views in the following words:

Few countries in the world offer as many paradoxes in their history and development as does Pakistan. Its creation religion played a key role and yet successive governments have followed secularist aims. Party platform and public oratory have been dominated by religious slogans, but, policy has followed a course little different from that of other underdeveloped countries in the region. It is small wonder that Pakistan baffles friends, foes, and neutrals alike, and the spiritual dimension of its public life is elusive.<sup>61</sup>

As a result of this continued ideological turbulence, Pakistan is neither a secular state nor a religious one. There is a kind of split personality syndrome pervading in the outlook of an average Pakistani. It is amply manifested in the fact that religious groups have a strong voice in the public but they seldom get votes at the polls. Religious parties always tend to get microscopic share of the membership of the provincial and national assemblies. Freeland Abbott has made the following comments on the prospects of Pakistan becoming an Islamic state:

It is highly unlikely that the country will ever become a religious state in the Western meaning of that term, for in the last analysis in Pakistan as in many other states, the source of power.

Soon after the inception of Pakistan, the conservatives and modernists were set on the course of a confrontation about the legal framework of the new state. The conservatives who were led by religious leaders wanted immediate change in the laws of the country as a first step towards total Islamization of the social, economic, moral, and political life of the people. The modernists on the other hand led by Prime Minister Liaqat Ali Khan, had been intellectually and philosophically nurtured on the tradition of Sir Sayyid Ahmad Khan, and believed that Islam was dynamic and progressive and that there was nothing in its contents and principles that disallow pursuit of scientific knowledge and the cause of democracy. They criticized the ulema for having established a monopoly over the interpretation of religious laws. Mawlana Mawdudi, a leading religious scholar who adopted a militant posture against the modernists started his long crusade for the Islamization of Pakistan by delivering a series of lectures at the University Law College in Lahore, explaining the nature of Muslim state, single principle of Islam was immutable, and could be operationalized regardless of changing circumstances in a Muslim society. He further contended that if the country had been created in the name of Islam, then Islamic laws alone must shape peoples legal and political destiny. He embodied his main thesis in the following principles.

1. That the sovereignty in Pakistan belongs to God Almighty and the Government of Pakistan shall administer the country as His agent.
2. That the basic law of the land is the Islamic *Shari'yyah* which has come to us through our Prophet Muhammad.
3. That those existing laws which may be in conflict with *Shari'yyah* shall in due course be repealed or brought into conformity with the basic law and no law which may be in any way repugnant to the *Shari'yyah* shall be created in the future.

In a less militant tone, but with a similar emphasis on religionization of the country Mawlana Shabbir Ahmad Usmani, the only leading religious scholar who had publicly affiliated himself with the Pakistan movement before independence, issued a statement demanding the appointment of Shaikh al Islam for the country who would have executive as well as judicial authority to supervise the administration of justice in the country. He also demanded the creation of an autonomous Ministry of Religious Affairs. The difficulty with Pakistan is that neither of two groups (conservatists and modernists) is strong enough to vanquish the other. The result is that the nation for more than forty years has lived in the twilight zone of a very tenuous compromise between two opposing ideological forces. The compromise is amply manifested in the text of the Objectives Resolution which the Constituent Assembly of Pakistan passed in and remained the moving spirit behind all the three constitutions (1956, 1962, 1973). A relevant excerpt from his Resolution would explain the nature of this compromise.

Whereas sovereignty over the entire universe belongs to God Almighty alone, and the authority which He has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust; This Constituent Assembly representing the people of Pakistan resolves to frame a constitution for the sovereign independent state of Pakistan. Wherein the State shall exercise its powers and authority through the chosen representations of people; Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam shall be fully observed; Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teaching and requirements of Islam as set out in the Holy Qur'an and the Sunnah. Wherein adequate provisions shall be made for the minorities free to profess and practice their religions and develop their culture. Wherein shall be guaranteed fundamental rights including equality of status, of opportunity and equality before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public majority. Wherein the independence of the judiciary shall be fully secured.<sup>62</sup>

The Objectives Resolution is a fairly accurate depiction of the religio-political climate in Pakistan. It is draped in broad and vague generalizations and does nothing to provide any concrete institutional framework that would help; the people of Pakistan to model their lives according to the rules of *Shari'yyah*. From the point of view of the critics simple declaration of God's sovereignty over universe, and its delegation as sacred trust to the people could not Islamize Pakistan. The late justice Mohammed Munir called the Resolution nothing but a hoax. He noticed a glaring contradiction in its contents. At one place it had stated "whereas sovereignty over the entire universe belongs to Allah" and then another place it stated "The Constituent Assembly have resolved to frame for the sovereign independent state of Pakistan a constitution."

The secular rulers of Pakistan, however, were convinced that was the best they could do with regard to Islam at that time. They apprehended if the entire package of religious laws as demanded by the ulema was implemented Pakistan would be treated with disrespect as a theocratic state in the family of secular states. This feeling among them became much stronger after India, Pakistan's biggest competitor for world attention, had declared itself in unmistakable terms a secular state.

The religious leaders, however, kept up their heavy pressure on the Constituent Assembly and eventually forced it to appoint a Board of *Talimat-i Islamiyya* (Islamic Teaching) consisting of some of the leading religious scholars of the sub-continent. The Board was expected to formulate some concrete recommendations regarding Islamization of the country. Among numerous suggestions put forward by the Board there was a recommendation for the appointment of a Committee of Experts on *Shari'yyah* that could veto any law or ordinance if it was repugnant to the Qur'an and the Sunnah of the Prophet. The Assembly, however, rejected all the recommendations of the Board and the country remained in the grip of an ideological stalemate. In the meantime the Constituent Assembly published its Interim Report which only reiterated point of view of the secularists who held the reins of power in the country and were piloting the proceedings of the Constituent Assembly to draft a workable constitution of the country. This report further infuriated the ulema and it was becoming obvious that the confrontation between the secularists and Islamic fundamentalists was not going to be confined only to verbal sabre-rattling. Practically every observer of the Pakistani scene was convinced that there was something serious in the offing out this confrontation.

We have noticed earlier that both the Objectives Resolution and the Interim Report had left the religious groups totally disoriented. Seeing that the government was nonchalant to protest and pressure, certain religious leaders decided to go to masses and mobilize public opinion through public meetings, street processions, and sermons from the pulpits of the mosques. Among the religious organizations the Jamat-e Islami of Mawlana Abul Ala Mawdudi alone had a broad public base, a strong organizational machinery, and militant and aggressive following among the educated youth of the country. Therefore the Jamaat took to the war path and challenged the government in every area of national life. They were, however, waiting for an occasion that would help them to ignite mass hysteria against it. The occasion was provided by another religious group called Majlis-e Ahrar-e Islam which had intensified its demand in 1949 that Ahmadis, (a small Muslim community which does not believe that the Holy Prophet of Islam was the last of the great

prophets) be declared non-Muslims and Sir Muhammad Zafarullah a prominent member of this community who was Foreign Minister at that time, must resign from the cabinet. In the beginning of May 1952, Ahmadiya community had organized a public meeting in Jahangir Park in Karachi which was going to be addressed by Sir Muhammad Zafarullah Khan. The anti-Ahmadiya agitators stormed the meeting and disrupted it. This incident sparked a wave of violence in all the major cities. In March 1953, the anti-Ahmadiya movement was at its peak and in many cases it assumed alarming proportions. Unruly mobs attacked police, burnt public property and looted shops and houses of the Ahmadis. The Central Government came to the conclusion that it was left with no recourse but to impose martial law in Punjab and at the same time appointed a court of inquiry consisting of the late justice Muhammad Munir and the late justice M.R. Kayani. After lengthy hearings and comprehensive survey of the religio-political dilemmas of Pakistan, the learned justices submitted a report which has become a classic document on the subject of modernity verses orthodoxy in modern Islam. The Munir Report, besides investigating the anti-Ahmadiya riot, dwelt at length on the entire gamut of Islamic ideology, its place in history and the possibility of its application in modern times. It also critically examined the socio-psychological climate in Pakistan in which the proponents of secularism and the advocates of traditional Islam were operating.

During the course of the inquiry the Judges put the following questions to Mawlana Abdul Hasanat, President, Jamiat-ul Ulama-i Pakistan:

**Q.** Is the institution of legislature, as distinguished from the institution of a person or body of persons entrusted with interpretation of law, an integral part of an Islamic State?

**A.** No, our law is complete and merely requires interpretation by those who are experts in it. According to my belief no question can arise in the law which cannot be discovered from the Qur'an or the *hadith*.

**Q.** Who was *Sahib al-hall wal-aqd*?

**A.** They were the distinguished ulema of the time. The persons attained their status by reason of the knowledge of the law. They were not in any way analogous or similar to the legislature in modern times.<sup>63</sup>

On the question of legislation the court found wide differences among the ranks of the ulema. The view expressed by Mawlana Abul Hasanat represented a typically inflexible fundamentalist attitude. Contrary to this a leading *alim* like Mawlana Abul Ala Maudoodi, the



leader of an equally ultra orthodox Jammāt-i-Islami, in his statement before the court laid down that legislation in the modern sense was possible in a Muslim state on matters which have not been covered in the Qur'an, the Sunnah and the *ijma* established by the jurist and scholars in the early ages. He referred to a body of persons whom the Prophet often consulted, and the same practice was continued by the Pious Caliphs. The judges found the whole question of legislation in a Muslim State very perplexing and warned that "the question is one of some difficulty and great importance because any institution of legislature will have to be reconciled with the claim put forward by Mawlana Abul Hasnat and some other religious divines that Islam is perfect and exhaustive code wise enough to furnish an answer to any question that may arise relating to any human activity and that it does not know of any "unoccupied field to be filled by fresh legislation."

There are three other vital questions relating to the working of a Muslim state that were of critical nature for its internal peace and happiness. Firstly the court was keen to know the exact status of the non-Muslim population, and the rights and privileges they could enjoy. Secondly the extent to which the Muslim rulers could allow the propagation of other faiths and lastly what punitive action can be taken against an individual who has been declared guilty of apostasy. The Anti-Ahmadiyya movement had been ignited because the ulema thought Chaudhri Zafarullah Khan and the rest of the Ahmadi occupants of high positions in the state were non-Muslims and they should be treated according to the law regulating the status of *zimmis*. From the evidence provided by the ulema the *zimmi* in a Muslim state was not full citizen, because in certain rights he differed from the rest of the Muslim population. *zimmis* were denied the privilege of participating in the making and administering the law. The judges also noticed that most of the ulema were in agreement that is the system is entirely Islamic, there would be serious restrictions on the missionary work of other religions, and similarly they still maintained that apostasy was a crime punishable with death. The learned authors of the Report who had handled the crisis-cross web of ideological confusion with superb deftness, balance and imagination summed up their reasons for giving such detailed exposition of the concept of Islamic state in the following words.

We have dwelt at some length on the subject of Islamic State not because we intended to write a thesis against or in favour of such a state but merely with a view to presenting a clear picture of the numerous possibilities that may in future arise if true causes of the ideological confusion which contributed to the spread and intensity of the disturbances are not precisely located.<sup>64</sup>

During the court proceedings the judges entered into detailed discussion with the ulema about the nature of a Muslim political system that would highlight the working of an Islamic state and give it an ideological flavour of its own. The judges were critical of both the secularist rulers and the religious scholars. They criticized the rulers for producing a thoughtless document in Objectives Resolution which had inherent contradictions and had been one of the major causes of making religious classes so hostile to the government and they blamed the ulema that in spite of their acknowledged profundity in the laws of *Shari'yyah* they failed to produce before the court any concrete definition of a Muslim.

The Report was critical of the common practice among the educated classes of Pakistan to use Western terminology in explaining the ideological connotations of Islam. For instance regarding the use of the term sovereign the justices stated, "when it is said that the country is sovereign the implications that its people or any other group of persons in it are entitled to conduct the affairs of that country in any way they like, and untrammelled by any consideration except those of expediency and policy. An Islamic state, however, cannot in this sense be sovereign because it will not be competent to abrogate, repeal or do away with any law in the Qur'an or the Sunnah. Absolute restriction on the legislative power of a state is a restriction on the sovereignty of the people of that state and if the origin of this restriction lies elsewhere than in the will of the people, then to the extent of that restriction of the sovereignty of the state and its people is necessarily taken away. In an Islamic State sovereignty, in its essentially juristic sense can only rest with Allah." The court also concluded that modern legislature could not be accepted as a prototype of *ijtihad* or *ijma*, which have often been used by Muslim modernists to indicate that the Western liberal democracy is within the framework of the Qur'anic political philosophy. It said,

It is wholly incorrect, as has been suggested from certain quarters, that in a country like Pakistan which consists of different communities, Muslim and non-Muslim, and where representation is allowed to non-Muslim with a right to vote on every subject that comes up, the legislature is a form of *ijma* or *ijtihd*, the reason being that *ijtihad* is not collective but only individual, and though *ijma* is collective there is no place in it for those who are not experts in the knowledge of law. This principle at once rules out the infidels (*Kuffar*) whether they be people of scriptures (*ahl-i-Kitab*) or idolaters (*mushrikeen*).

From 1947 to 1956 the relationship between the religion and state remained uncertain. No one was sure what would be the nature of laws, and who would make those laws. The courts in Pakistan continued to administer the civil and criminal justice according to the legal codes

which they inherited from the British, even when litigants or victims of crime wanted that they be tried according to Islamic laws.

In 1952, a murder case gained international notoriety, because it was reported in the foreign press also. A Sind peasant by the name of Jumma had got enamoured to a neighbour's wife. When the latter told him not to see her, Jumma one day entered the house and killed the seventy years old mother with a hatchet. The Chief Court of Sind sentenced him to death on December 9, 1952. His appeal before the Federal Court was also dismissed. As a last resort Jumma's relations presented a clemency before the Governor General Mr. Ghulam Muhammad. Those who pleaded for his clemency raised the question that the British Indian penal code was repugnant to the Qur'an, and as such was not valid in the country that had been created primarily in the name of Islam. The mercy petition was accompanied with a *fatawa* from Mufti Fazal Muhammad and four affidavits by the relatives of the deceased each saying,

I hereby forgive him and pardon his guilt per rights investing in me by the Holy Qur'an and *Shari'yyah* and I demand that the said Jumma, son of Gulsher, condemned to prison, be released forthwith. Neither he should be hanged nor punished for the same." This pleading in the name of the Qur'an, however, failed to convince the authorities and Jumma was hanged.<sup>65</sup>

Pakistan's main problem stemmed from the fact that the country's intelligentsia, and the ulema had two diametrically different visions of Islam. This caused lot of confusion and ambiguity in policy-making chambers of the government. Moreover, the country was still repairing the social and economic damages, which partition had caused to millions of people, and in midst of all this ideological, social and economic crises it was very difficult to draw a realistic picture as to how and to what extent Islam could be operationalized so that all segments of society would feel spiritually, morally, socially and economically happy. Regardless of the consequences, the historians of the second half of twentieth century would always consider religionization of Pakistan, a unique experiment, Kenneth Cragg has summed up this aspect of Pakistan in the following words:

The intelligentsia and the ulema have all too little in common, both in training and instinct. "Secular" politicians meant by the appeal to Islam very different things to those the "religious" custodians had in mind. There is consequent, crippling ambiguity, about the meaning of the state for faith and the fulfilment of the faith through statehood, of such proportions as to seem insuperable and to admit only of manoeuvre, intrigue, partisanship, of politics without the vision, and with all the vexation, of religious relation. And with all these pressures and liabilities are the desperate economic and social consequences of partition itself. The historian, therefore, concerned to do justice to the crisis of history constituted by the genesis of Pakistan, must beware of any easy abstraction from reality. Yet at the heart of that reality,

patiently and compassionately assessed, stands this fundamental decision. Pakistan, as concept, policy and fact, must be seen as the surest Muslim index to Islam in our time, doing for its contemporary definition what the Hijra did in the seventh century.<sup>66</sup>

But in spite of the widespread confusion and bewildering ambiguities, throughout its short history of forty years, Pakistan was forced to keep Islam as a powerful element in its constitutional growth and political development. It remained the *raison d'être* for its existence. Therefore every successive government, and all the three constitutions that the country had, kept on attacking this problem, but with very little success. How crucial Islam is to the existence of Pakistan had been depicted by Kenneth Cragg as follows.

Since Pakistan made faith and creed decisive in the determination of nationhood it incurred a sort of "existential" obligation to resolve the baffling equation of Islam and state, and to do so in the midst of the intrusive perplexities of the twentieth century. And thus far, whether in the final draft of a constitution or in the issue of its military suspension, it can hardly be said that the fundamental problem had been solved. Yet, for all its bewildering quality, the emergence of Pakistan in the name of Islam remains. And, whether in the strong piety of the devout or the cynicism of the man of affairs, that invocation remains as the first of political realities. It could hardly be otherwise if Pakistan is not to undo itself.<sup>67</sup>

Therefore Pakistan and Islam had got so intertwined that it was totally impossible to disengage them. Even the stark secularists had to speak to the people in the language of religion. Any politician who was derelict in his approach to religion had very little chance of survival in politics. The difficulty as pointed out earlier, however, was that each political platform presented its own version of Islam. It was this divergence and diversity in the interpretations of the Qur'an and Sunnah of the Holy Prophet that delayed the drafting of the first constitution for nine years. The religious leaders insisted that Islam meant enforcement of its penal code, and implementation of Islamic social and moral norms, the politicians interpreted Islam in terms of economic progress, social justice and on the other hand democracy. The Western educated political and administrative elites were satisfied if the country had a respectable standard of civil order and a viable level in the production of goods and services. They considered the ulema's clamour for making *Shari'yyah* the law of the land a retrogressive step, impractical, and unrealistic. The maximum they could concede to the ulema was in their opinion incorporated in the Islamic Provisions of the Constitutions of 1956 and 1962. Two documents however only provided that "no law shall be enacted which is repugnant to the Qur'an and the Sunnah and that Muslims in Pakistan "shall be enabled individually and collectively to

order their lives in accordance with the principles of Islam.”<sup>68</sup> These principles were too vague and general, and seemed no better than a deceptive Islamic embellishment to an otherwise secular constitution. The late Professor Fazlur Rahman called them “piecemeal, desultory and rather mechanically — as several pieces of decoration and window-dressing.” The most glaring discrepancy of these provisions, however, was that they were outside the main operative machinery of the constitution. They were only labelled as “principles of state policy” and could not be enforced by any court of law.

The constitution of 1973 was drafted after the dismemberment of Pakistan in December, 1971, and was the product of late Mr. Zulfikar Ali Bhutto’s views about Islam and Parliamentary Democracy. Mr. Bhutto had called the landslide victory of his party a great triumph of Islam, and his new Constitution had many more Islamic characteristics than the previous two constitutions, but a close look on its substance could show that the essential spirit of Islam was still missing from it. With the exception of a few provisions this Constitution was not much different from its predecessors.<sup>69</sup> For example two most vital principles of Islamic economies like *zakat* and *riba* were incorporated in the Principles of Policy and not in the main text of the Constitution where principles of positive economic policy were laid down. Anybody even with a rudimentary acquaintance with Islamic law is familiar with the fact *zakat* and *riba* constitute the most crucial principles of the Qur’anic economic system, and it is considered a basic obligation of a Muslim state to accept them as fundamental principles of economic planning. In fact *zakat* is the only comprehensive permanent tax the Qur’an has levied on the Muslim community, the Constitution of 1973 mentions *zakat* casually and dismisses *riba* with a vague statement that it would be eliminated as early as possible. In the field of education, however, Mr. Bhutto’s constitution not only reiterated the government’s desire to make Islamic studies compulsory, but article 31 [2] laid down that it would also facilitate the learning of Arabic language. The constitution also envisioned the creation of Islamic Advisory Council, which was expected to submit an annual report before the National Assembly. The difficulty with this Council was that it consisted only of part-time members and was presided over by a sitting judge of a High Court or a Supreme Court of the country. One fails to understand how could a body so loosely structured adequately do justice to such an awesome and onerous job of the Islamization of the laws of a country.<sup>70</sup> The Council was supposed to submit its report within seven years. Article 2, was added to make Islam the State religion of Pakistan, and later a clause was incorporated under which President and other public officials would take

an oath in which all the traditional ideals of Islam were mentioned. Thus, Mr. Bhutto's Constitution added a few extra articles to indicate the new regime's devotion to Islam, but the fundamental dilemmas of Pakistan regarding the establishment of a truly Islamic society and reshaping the entire legal framework of the country strictly in accordance with the injunctions of the Qur'an remained unresolved. Observers of Pakistani scene remained in a state of puzzlement waiting and watching how a country sired solely by a religious ideology would salvage itself from its doctrinal difficulties. Professor Fazlur Rahman has summed up his view as follows:

The Preamble then goes on to say that the State shall establish an order "wherein the principles of democracy, freedom, equality, tolerance, and social justice, as enunciated by Islam, shall be fully observed." In the light of what has been said, the italicized words mean for the Modernist one thing, for the Traditionalist quite another. For the Modernist, democracy, etc., are understood in their modern meaning, for the Conservative, these words serve as a limitation on freedom. For otherwise, these words have no function, since, if the Modernist view is correct (and all Muslim Modernists since the latter half of the last century have been arguing this case with a great deal of plausibility), then Islam apparently enjoined democracy, social justice, etc., not Islamic democracy, social justice, etc. These words are, therefore, again a concession to the traditionalists. This is why, in the eyes of the present writer, the form in which Islam has been treated in all these Constitutions is unfortunate. They give the decisive impression of Islam being an artificial adjunct attached to some propositions, while most of the rest of substantive propositions are without any mention of Islam at all. The proper way to produce an authentic Islamic Constitution would have been to write a brief but comprehensive introduction (or Preamble) where the relevance of Islam to political democracy, social philosophy, economic policies of social justice, treatment of minorities, and international behaviour of the State would be set out. Then, one by one, each of these fields would have been treated in a compact and logical manner. Instead all these fields have been treated in a diffused and fragmentary manner.<sup>71</sup>

Pakistan, indeed, presents a curious case. It is an ideological state, but it has no known ideology. In the case of Communist or Socialist countries, which are the only other ideological states in the world their ideological blueprints and even their major policies precede the actual establishment of their states, but in the case of Pakistan, which declares itself to be an "Islamic State, "Islam is not yet even known and its "fundamental principles and basic concepts" have yet to be formulated.

The trouble is that Pakistani masses are emotionally strongly attached to Islam (as are masses so attached to Islam elsewhere), but the developments or distortions through which Islam has passed during the past fourteen centuries are so diverse and are of such sectarian character that the masses blindly follow these forms. The task obviously is to analyze the history of Islamic development, and to come to some point where a genuine enough perception of what the Qur'an and the Prophet's struggles were all about may be born. But here even the ulema and the intellectuals in general do not have any adequate idea of what the Qur'an was saying, why it was saying it, and what it became through the centuries. This whole question once again leads us to a proper organization of Islamic education and, in particular, to its dichotomy. This being the case, one may genuinely ask: How is Pakistan an ideological state?<sup>72</sup>

The Constitution and policies of Mr. Bhutto failed to satisfy the conservative ulema of Pakistan. In 1974 the late Mawdudi's Jamaat-e-Islami started country-wide campaign that the Ahmadis be declared non-Muslims. Mr. Bhutto fearing the religious frenzy of the people in this matter gave in, and asked the Parliament to pass an act that officially declared Ahmadis a non-Muslim sect. The Islamic provisions of 1973 constitution, and the concessions to Islamization that Mr. Bhutto gave after his installation as the country's Prime Minister, still did not meet the demands of orthodox circles. His authoritarian methods of conducting the affairs of the state had increased the disorientation of many other factions in the country also. Eventually they all joined hands and formed Pakistan National Alliance for the restoration of democracy and the creation of an Islamic social order called *Nizam-e Mustafa*. The religious parties were the moving spirit of this Alliance, and as the intensity of this agitation increased, and his days in power were about to come to an end Mr. Bhutto gave further concessions to Islam and banned alcoholic drinks, gambling, horse-racing, and dancing club. Emotions for Islamization, however, were so high that opposition leaders in general, and the religious classes in particular, thought Mr. Bhutto was only being expedient and as a professional politician was trying to hoodwink the masses. As the blood-stained public protests continued, the Army then stepped in and in a bloodless coup toppled Mr. Bhutto's regime in July, 1977 and Chief of the Army Staff General Muhammad Zia-ul-Haq assumed power in the country.

The above synoptic view of Pakistan's three constitutions gives a clear idea that the Muslim modernists who drafted them were only trying to placate or tranquilize the public opinion which in this ideological state is prone to easy provocation in the name of religion. They only paid lip

service to Islam and through its cosmetic use were searching for the legitimacy of their rule. Bulk of the Islamic provisions of the three constitutions were in the form of promises. No concrete steps were provided to operationalize legal framework of the Qur'an. There is an Islamic penal code, strict socio-moral laws, and rigid guidelines of economic institutions and none of them were specifically mentioned in the articles of the three constitutions. In order to understand how much efforts were expended by the rulers of Pakistan towards the Islamization of laws in Pakistan, we can conveniently divide the history of this country into two clear-cut-periods. One lasted from 1947 to 1977 and the other from 1977 to 1987. During the first period Muslim modernists and secularists dominated the chambers of law-making, while the second period which began with the rise of General Zia-ul-Haq and ended with his sudden death in an aircraft, was characterized by overwhelming influence of the religious fundamentalists, under whose guidance the late General passed several major ordinances of Islamize the laws and the entire legal philosophy of the country. Unencumbered by legislative brakes, or pressures of the intellectuals, both of which had been silenced by Martial Law, the General went ahead and introduced legal reforms which in his opinion must highlight Islamic social order.

During the first period political and bureaucratic modernizing elites, who held the reins of power made no serious effort either to modernize the country or to Islamize it. They operated in the twilight zone between modernity and traditionalism, and ended up in becoming Hamlets without the kingdom of Denmark. With the religious groups active everywhere, around the country they could not take the daring step of following the lead given by Ataturk in Turkey and Reza Shah in Iran, but at the same time were very reluctant to accept the orthodox view of implementing laws of *Shari'yyah* in every sphere of the individual and collective life of the people of Pakistan. Their only anxiety was to pacify and tranquilize the religious sentiments of the Muslim masses, and this they did through vague generalizations of the Objectives Resolution, and ambiguous promises made in the chapters on Islamic Provisions of the three constitutions. The only positive legal change made during this period was the enactment of Muslim Family Laws Ordinance which came into force on July 15, 1961. Basic groundwork for this Ordinance, had been laid down by a Commission, which had submitted its report many years ago, but Government had been reluctant to implement its recommendations, because there was a big uproar among religious circles against it. Ayub Khan simply pulled it out of the political cold storage and used the authority of the Martial Law regime to enact it into a law. A brief account of the history of this major modernist attempt to



introduce a progressive legal legislation would give us some idea of the inherent difficulties and dilemmas of modernizing laws in a Muslim state.

Judged by any standard family is the heart of human civilization. Its composition, legal and social status are very critical dimensions of the moral and material happiness of a society. It is for this reason that in the laws of the *Shari'yyah* detailed and exhaustive regulations have been laid down regarding it. Marriage, divorce, adoption and inheritance have been dealt with the greatest care and anxiety by the leading jurists of Islam. But in spite of this life many other aspects of the Islamic jurisprudence these matters have been subjected to countless controversial debates and discussions. Foreign observers have also been prying into this area of *Shari'yyah* with keenness to highlight the weaknesses of Islamic law. Their attacks on polygamy and divorce are particularly severe and serious. Therefore, whenever in a Muslim state Modernists have assumed power, reform of family's legal structure has been one of their primary objectives and often their efforts have met with vehement opposition from the orthodox fundamentalists who do not see eye to eye with the Modernists in this matter. When Pakistan came into existence, the politicians who assumed the reins of powers in the provinces and at the Centre were mostly those who were convinced, that although the country had been created in the name of Islam, but to make religion an operational mechanism for the working of the governmental machinery and social life of the people, was an uphill task.

The Modernists in their zeal for social reform disregarded the religious opposition in Pakistan to the appointment of a Commission on Marriage and Family Laws. The secular or the modernist slant of the Commission could easily be discerned by the fact that of the seven members of the Commission, three were women and there was only one representative of the clergy. The Commission in drafting its report relied heavily on the concept of *ijtihad*, and strongly emphasized the progressive and dynamic aspects of Islam. It laid down its objectives by pointing out that so far as basic principles and fundamental attitudes are concerned Islamic law derives most of its sanctions from the revealed word of God in the Qur'an and the Sunnah of the Prophet. The question arose that if Code for Marriage and Family Law had already been formulated by divine injunction then what was the need of having a Commission to seek amendments to it. The Commission answered this question by saying that, "So far as the Holy Book is concerned the laws and injunctions promulgated therein deal mostly with basic principles and vital problems and consist of answers to questions that arose while the Book was being revealed. All injunctions listed in the Holy Qur'an

cover only a few pages. It was the privilege of the Holy Prophet to explain clarify, amplify and adapt the basic principles to the changing circumstances and the occasions that arose during his life time. As nobody can comprehend anticipate the infinite variety of human situations the Prophet of Islam left a very large sphere free, for legislative enactment's and judicial decisions. This is the principle of *ijtihad* or interpretative intelligence working within the broad framework of the Qur'an and the Sunnah."<sup>73</sup> After this, the Commission pointed out that Pakistan was ushered into recast the entire system of laws that had been inherited from the colonial times into a creative vehicle by which free and expanding aspirations of the people could be adjusted to the main currents of the modern progressive civilization. The work of legal reforms however, it found to be very time-consuming, and demanded intensive and rigorous investigation of the present and envisioned laws. The Commission then explained that reform of Family Laws was only the first step on the long and torturous road of changing the entire package of Procedural Laws.

The hallmark of the Commission's report was its bold and courageous stand on polygamy, which had been a matter of chronic and bitter debate both among Muslim and non-Muslim scholars. It summarised its conclusion as follows.

With respect to polygamy which has become hotly debated issue in every Muslim society. The Commission has adhered to the Qur'anic view. Polygamy is neither enjoined nor permitted unconditionally nor encouraged by the Holy Book, which has considered this permission to be full of risks for social justice and the happiness of the family unit, which is the nucleus of all culture and civilization. It is a sad experience for those who have practiced it and for those who have watched its tragic consequences that in most cases no rational justification exists and the practice of it is prompted by the lower self of men who are devoid of refined sentiments and are unregardful of the demand of even elementary justice. The Qur'anic permission about polygamy was a conditional permission to meet grave social emergencies and heavy responsibilities were attached to it, with the warning that the common man will find it difficult, if not impossible, to fulfil the conditions of equal justice attached to it.<sup>74</sup>

To discourage the abuse of the institution of polygamy which had been a common feature of every Muslim society for centuries, the Commission recommended the creation of a Matrimonial Court to decide whether a person had a genuine and a valid reason for having a second wife, and was capable of doing even-handed justice to both of his spouses. The Commission, however, refrained from, recommending that the first wife and her children be given the right to seek justice in a court of law, thinking that the society as yet was not ripe for such a drastic measure.<sup>75</sup>

As mentioned earlier, the secular stance of the Commission was fully apparent by the fact that there was only one lone *alim* by the name of Mawlana Ihtisham-ul Haq among its members. He was so ideologically isolated from the rest that he wrote a powerful note of dissent against the majority report. He started by questioning the credentials of his colleagues on the Commission, who he thought lacked the proper insight into the laws of the *Shari'yyah*, and as such were ill-equipped intellectually to bring family laws in conformity with the laws of *Shari'yyah*. But in spite of this inability he said, all of them posed as if they were Mujtahids. By calling its action *ijma* in his opinion the Commission had “debased the technical term of the *Shari'yyah*.”<sup>76</sup> He further argued that, “certain recommendations, which reflect subservience to the West of some of the members and their displeasure with Islam, constitute an odious attempt to distort the Holy Qur'an and the Sunnah with a view to giving them Western slant and bias.”<sup>77</sup> He labelled the Commission's definition of *ijtihad* totally wrong and unwarranted having no roots either in the Qur'an or the Sunnah. He explained that the opinion expressed by the majority report was an absolute travesty of the norms of *Shari'yyah* because it tended to prove that the message in the revealed word of God, and elucidated through the divine vision of the Prophet was a captive of time and place. The Mawlana strictly adhered to the interpretations outlined by the savants of the past like Ghazali. He also found the Commission's attitude towards the ulema nauseating because most of the members mocked at the conservatism and ridiculed their retrogressive approach. In his note of dissent Mawlana Ihtisham-ul Haq made the following statement in defence of polygamy, and insisted on its retention as an integral part of the family laws of Pakistan as Muslim state.

The main cause of raising this question of polygamy is inferiority complex against the West and the desire to copy it blindly. Our young men and who happen to visit Europe, often find themselves in situations in which their country is ridiculed for permitting polygamy. In fact polygamy is not a matter for any human society to be ashamed of, nor does its abolition constitute any achievement of Europe that may be worth emulation by others. Moreover, if we cannot put Europe to shame for permitting free indulgence in adultery, we have no cause to blush at the permission granted by *Shari'yyah* for lawfully marrying a second wife. Thus it is clear that marrying a second wife in the lifetime of the first is nothing discreditable, the sin and the shame of it lies in indulging in adultery while living with a lawfully wedded wife, a practice which has not been declared a penal offence in any European country if it is committed with the consent of the woman involved.<sup>78</sup>

The modernists, however, did not agree with Mawlana Ihtisham-ul Haq's defence of polygamy, and knowing that President Ayub Khan had a moderately modernizing philosophy, brought to his notice the

recommendations of the Commission, and he readily incorporated them in his Family Laws Ordinance, 1967.

Polygamy for centuries had been considered an integral part of the personal law in Islam. The ulema of all schools of thought had accepted a Muslim's right to marry four wives. But with spread of the Western education, and the rise of strong feminist movement in many Muslim lands this right had been seriously questioned and there were prolonged public debate often acrimonious one, to undo this wrong. But the religious sentiments were so deeply entrenched in its defence that no one had the courage to put any legal curb on it. The Ordinance limited the husband's prerogatives to marry more than one wife. The Ordinance lay down that a man could not have a second wife without prior permission from his first wife, and approval by the Arbitration Council. Moreover in Islam marriage contract is verbal as long as it is done in the presence of two witnesses. The Ordinance, however, authorised the appointment of Nikah Registrar, in whose presence and in the presence of two witnesses the marriage had to be properly registered on a specified form.<sup>79</sup> The ulema raised a big uproar against it but Ayub Khan and his modernist bureaucrats stuck to their decision and the Ordinance became a law of the land.

The Muslim Family Law Ordinance of 1961 was a great step forward in meeting some of the major demands of the feminist leaders in Pakistan, but it was still deemed to be insufficient to modernize the entire legal frame work of the Muslim family law. Feminist organizations in the country had been clamouring that cases relating marriage, divorce and custody of children were subjected to very tardy procedures in the ordinary courts of law. The delay often caused women lot of anguish. To remedy this grievance the Government passed a law called the West Pakistan Family Courts Act, 1964. It established separate Family Courts so that cases dealing with marriage and family affairs could be expedited. The question of dealing with dower (*mahr*) and dowry (*jahaiz*) had also been subject of public debate for a long time in Pakistan. Dower is a religious obligation which a husband is expected to pay to his wife after the consummation of marriage. In 1965 a High Court in Pakistan ruled that if non-payment of maintenance could be a ground for divorce, similarly a Muslim woman could sue for a divorce due to non-payment of dowry (*mahr*). Dowry (*jahaiz*) is a collection of gifts which wife receives from her parents, and the parents of the groom. The practice was customary, but had the same rigidity as any law on the statute book. One thing which was, however, not rigid about dowry was the size of it and demonstrable display of it to the public. The result was that people irrationally competed for its size, and often ended up as financially

bankrupt or under life-long debt. It was also listed as one of the major causes of slow economic growth of the country. To remedy this social evil in 1967 the West Pakistan Dowry Act was passed. The law acknowledged woman's absolute right over dowry as an owner and forbade the display of gifts. The law, however, did not mention the size of the gifts and to that end finally Dowry and Bridal Gifts (Restriction) Act was passed in 1976. It fixed the total value of the dowry that could be gifted and demanded that figures in all categories must be furnished to the Registrar of Marriages.<sup>80</sup>

During the second period of the history of Islamization in Pakistan, the fundamentalists outdistanced the modernists in political influence. There is no doubt that among all the rulers that have come to power in Pakistan, General Zia-ul-Haq was unquestionably the one who had the greatest devotion to Islam and ruled the longest period of time. The religious groups found in him a convenient instrument to Islamize as much of legal and political framework as could be accomplished under prevalent conditions. They considered victory of Pakistan National Alliance in 1977 as a clear mandate to Islamize the political, social and economic institutions of the country.

Immediately after assuming power in the country General Zia took the major step towards Islamization by reorganizing the Council of Islamic Ideology. He filled it with staunch fundamentalist ulema and instructed them to produce a plan for Islamic social order in which *zakat*, *ushr*, interest-free banking, and Islamic Penal Code would become a living reality. The other dramatic move on his part was to issue the *Shari'yyah* Bench Order in December 1978. By this order, he amended the Constitution and authorized the High Courts of the country to decide if any law in their opinion was repugnant to the laws of *Shari'yyah*, and if law was declared to be so it automatically became ineffectual immediately after the enforcement of the Judgement. The Order was later amended and the power of finding repugnance of laws was taken away from the High Courts and handed over to the *Shari'yyah* Bench of the Supreme Court consisting of five justices. This Bench was advised to seek guidance in the interpretation of laws from the leading ulema of the country. Along with these major steps towards Islamization General Zia ordered introduction of Islamic bias in Television programmes, school text books, college and university curricula in the country. In offices facilities were provided for Muslim employees to a time off from the job and pray in a specially allocated place in the office.

The landmark legislation of the Zia regime came on February 10, 1979 when on the birthday of the Holy Prophet, the government

announced the promulgation of *Hudud* Ordinance (Islamic Penal Code Ordinance). These ordinances provided Islamic penalties for such crimes as drinking, theft, adultery, and *qazaf*. While the *hudud* (penalties) came into effect immediately the Ordinances concerning *zakat* and *ushr* were to be enforced from July, and October 1979 respectively. About interest free economy Zia wanted to proceed gradually although he ordered the House Building Finance Corporation, National Investment Trust, and Investment Corporation of Pakistan to lend interest free money, and start functioning on the basis of equity participation.<sup>81</sup> With the passage of these revolutionary measures, the country, however, was plunged in a kind of ideological consternation. Doctrinal and theological differences among Islamic sects and groups came to the surface and particularly the implementation of *zakat* and *ushr* had to be postponed until differences between Shi'as and Sunnis were reconciled. The Shi'as launched a heavy public protest against *zakat*, because according to their religion *zakat* was a private affair of an individual and the government had to do nothing with it. Finally General Zia accepted the demand of the Shi'as and issued new Ordinance in September 1980 that allowed the Shi'as to collect *zakat* through their own religious committees. After the agreement had been reached during the sacred month of Ramadhan 1400 A.H. (August 1980) ceremonies for the distribution of *zakat* were held with great pageantry and publicity. General Zia personally distributed the *zakat*. After the enthusiasm, however, it seemed that the hopes that *zakat* would eliminate poverty, and equalize incomes, were considerably inflated. First the amount doled out to the people was meagre and since it was being collected, administered and distributed by a government agency, it got infested with bureaucratic bottlenecks which marred its effectiveness to a great extent.

The progress on interest free economy, which was being demanded from every platform of religious fundamentalism, was even more discouraging. The issue was awesome in magnitude and very complex. Pakistan's economy was part of the global network of interdependent economies in which interest based banking system played a very decisive role, and any disruption of this relationship could spell widespread economic disaster. This was the most perplexing question that Council of Islamic Ideology was asked to deal with. The Council wrestled with this problem for three years, and eventually came out with a report of about 118 pages. It confessed that to give an Islamic bias to the economy of Pakistan was a difficult assignment, and therefore profit and loss scheme would have to be delayed and during the period that Council deliberated the means and methods by which interest-free economy could be

established, the nation would have to be contented with such alternatives as leasing, hire-purchase, speculative transactions, investment auctioning and financing on the normal rate of return.” The report gives a clear indication that Council had confessed its failure to find a solution to this extremely difficult question. Suggestions of alternatives were only a sublime piece of rationalization. The report ends with a pious hope that with a proper reformative crusade, the moral landscape of the society could be changed, and gradually nation would be emancipated from the clutches of false values and fake ideals.<sup>82</sup>

During the last phase of his rule General Zia showed signs of despair and despondency about the way Islamization was being received by various political parties and religious groups. His personal gusto for it remained undiminished, and his faith was not shaken by political fluidity that is a universal trade mark of politics in every third world country. Jamaat-e Islami, the leading religious party which in the beginning had given General Zia unstilted support in his program of Islamization later on became extremely critical of his handling of religious issues and the way Islamization had been progressing under his guidance. This forced General Zia to find substitute to keep a modicum of legitimacy to his rule. He turned to non-political ulema and spiritual leaders for support, and turned to more theatrical tactics of holding conferences, and celebrating religious days with great pomp under the full glare of state controlled mass-media like television, radio and newspapers. One could easily discern that near the end of his rule he had become aware that no group, except perhaps the army was prepared to give him unqualified support. Public interest in Islamization was waning, and parties opposed to his rule and plans of Islamization were once again indoctrinating the masses with new slogans which were in the nature of political rights and economic growth rather than in form of demands for the Islamic social order. President Zia himself started claiming that between the modernists and the fundamentalists, he was a third party. He contended that no party or ideology swayed him except his own conscience. Baxter has summed up President Zia’s ideological dilemmas and choices in the following words.

Zia has wished to transform Pakistani society as well as establish anew regime in the political sense. His goals of Islamization surely have not been fully met. However, in a recent interview in the *Christian Science Monitor*, he said that he had not been “swayed by anyone, either the fundamentalists or the moderates. I form my own opinions. And I, myself, am a moderate.” There are several unanswered questions about Islamization, Does Zia feel that his steps so far are the deep ones and that further Islamization may not be needed? Did he expect the fundamentalist parties, especially the Jamaat-i Islami, to win a larger number of seats in the national Assembly, and thus

spearhead the drive toward Islamization in that body rather than in the presidential office? Would Zia tolerate steps “backward” from Islamization? Would it be possible to go back even if conditions appear to dictate a relaxation of, say, Islamic banking ? It would seem that this is an area in which Zia’s steps are not complete if the fundamentalist view is taken as his, but he has denied this in his interview.<sup>83</sup>

## Conclusion

The foregoing synoptic view of Islamic law and modernity gives a clear indication that this is a field in which clash between traditionalism and modernity has been very serious and acute. The orthodox protagonists of the Islamic *fiqh* keep contending that the rules laid down in *Shari’yyah* are eternal, universal and inflexible, and no matter how irrational they appear to the modern observers, in the divine scheme of things they are still workable and if honestly implemented without any mental reservation, they would still be effective and useful. On the traditional side of the ideological continuum we have such staunch Muslim ideologues as Mawdudi, Sayyid Qutb, and Imam Khomeini, while on the modernist end we have intellectuals like Asaf A.A. Fyzee who are searching for a brand new definition of Islam and its laws. Mawdudi in his vast and varied writings on the Islamic way of life has pointed out that laws of Islam as derived from the Qur’an and the Sunnah of the Holy Prophet have to be accepted in totality. Men have no discretionary authority to pick and choose according to circumstances. The scope of legislation in a Muslim state is limited by the laws of *Shari’yyah* which are not subject to any amendment. Rules which are susceptible to numerous interpretations, the interpretation given by knowledgeable religious scholars alone would be accepted.<sup>84</sup> In one of his tracts he has described the rigidity of divine laws as follows.

God is the real law-giver and the authority of absolute legislation vests in Him. The believers neither resort to totally independent legislation nor can they modify any law which God has laid down, even if the desire to effect such legislation or hang in Divine laws is unanimous.<sup>85</sup>

Practically all schools and sects of orthodox Islam subscribe to similar views about Islamic theory of laws. Sayyid Qutb also approaches Islam as a perfect system of laws, which is unique and universal, and is not subject to adjustment and revision for the sake of accommodating changing conditions of life. In a Muslim society no legislation is legitimate unless it is imbued in the spirit of the Qur’an and the Sunnah of the Holy Prophet. Alien laws, and foreign models of the administration of justice, according to Sayyid Qutb, could never be a source of happiness and prosperity for Muslims. He vehemently criticizes secularist Muslims, and labels them as slaves of the Western



intellectual imperialism. He says, "Europe mustered all its forces to extinguish the spirit of Islam, it revived the inheritance of the Crusader's hatred and it employed all the materialistic and intellectual powers at its disposal to kill the spirit of Islam. Europe, he says, sought to break down the internal resistance of the Islamic community and divorce it gradually over a long period from the teachings and the heritage of its religious faith."<sup>86</sup> Moreover Sayyid Qutb had an undeviating faith in Islam as a system of laws, which is comprehensive enough to engulf every aspect of human existence and does not need any change. He once remarked:

Islam is a system of life other than that known to Europe and the whole Western world during its period of hideous schizophrenia, different even from other systems known before that time and after it. Islam is an original genuine system with its own unique basis and an integral comprehensive plan, not mere adjustments to current standing conditions. It is a system for conception and belief as well as for action and realities. Accordingly it alone is the system most appropriate and most qualified for undertaking the commission of rebuilding human life on new and immovable bases.<sup>87</sup>

The most revolutionary of all present-day Muslim ideologues is Imam Khomeini, who has established a strictly Islamic society, and radically changed the legal and political institutions of Iran strictly according to what is understood in the Shi'a tradition to be Qur'anic. According to Khomeini Islam is one-eighth a matter of prayer, rites and rituals, and the rest of it relate to the collective life of the Muslim community.<sup>88</sup> It deals with matters such as law, politics and organizational machinery of the government. In his opinion laws of *Shari'yyah* are of divine origin, and need to be implemented in fullness. They could not be amended or changed. Moreover following the model set by the Holy Prophet, the laws set in Qur'an must always be deemed eternal and unalterable. They cannot change with time or crime. In his opinion laws relating to *jizya*, *kharaj*, *khums* and *zakat* were not enacted or any particular people or for any special period of history. They are as much valid in the twentieth century as they were in the time of the Holy Prophet.<sup>89</sup>

Abdul Qadir a leading member of the al-Ikhwan al-Muslimeen in Egypt has concluded that law is the most pertinent yardstick to judge the level which a particular civilization has achieved in eradicating tyranny, protecting human rights, and disseminating a sense of justice in the society. The spirit and character of law dictate the extent to which members of a particular society would be able to fulfil their obligation of leading a righteous existence.<sup>90</sup> A student of comparative study of legal systems can easily find that the laws of *Shari'yyah* have superiority over other systems, because their spirituality gives them additional sanctity. It

had built-in corrective mechanism, because being a part of religion it guides the Muslims towards the moral uplift of their behaviour. Moreover it guarantees that change in time and place would not affect its efficacy. In addition to this it comprehends practically every aspect of human existence.<sup>91</sup>

The Muslim modernists on the other hand with their deep intellectual and philosophical attachment to secularism, seem to be in total disagreement with views expressed above by three leading Muslim theologians of our time. They believe that while the essence of Islam and its moral ideals are eternal, the laws of *Shari'yyah* could be changed to accommodate changed realities of different occasions and changing circumstance. They are totally against hide-bound *taqlid* of the principles of law laid down centuries ago, by four founders of Islamic schools of jurisprudence. They demand more critical appreciation of the whole corpus of the laws of *Shari'yyah*, and find no hesitation in deleting or abrogating those elements which in their opinion create impediments in resolving problems so crucial to the contemporary conditions of man's life.

The modernists, per se, are not against Islam as a religion. They acknowledge its moral and spiritual excellences, and have no doubt that as a religious doctrine it is superior to all other religions, but tend to be very sceptical about its utility as a code that could provide solutions to all the critical problems of the collective life of the Muslims. They would like it to be a guide to individual conscience but not a manual that would determine the practical affairs of life. It is particularly true, they point out in fields like, politics, law, economics, and social institutions, which are subject to rapid change, and defy rigidity of principles both in theory and practice. Count Ostorog in his *The Angora Reforms* has described the role of Islam as a religion in new Turkey as follows.

The object was not then to destroy religious beliefs; religion was simply caused to recede from the halls of human conflicts and ascend into the stronghold of conscience, to dwell there in much greater dignity and security than when its ministries pretended to rule earthly interests as well as moral aspirations.<sup>92</sup>

In order to change the legal framework of a Muslim society from traditionalism to modernity reformers have generally used two intellectual and interpretive devices. Previously the common practice was that each Muslim society used to adopt one of the four schools of Islamic jurisprudence as its chief legal code, and courts were instructed to administer law as it had been enunciated and elaborated by jurists of this particular school. This would limit the authority of the courts within very narrow legal boundaries. With the passage of time, however, the

reformers in order to mitigate the rigidity of *taqlid*, evolved the principle of *siyasa* by which the rulers could issue instructions to the courts to adopt any particular school for the implementation of the laws of *Shari'yyah* because with the passage of time all schools had been acknowledged authentic. The method gave the reformers better leverage in their choices and they could thus adopt a package of rules from different codes and create a new code of laws which would assist them in their reformative crusade against the traditional rigidities of Islamic *fiqh*. This method of putting together elements of different schools also came to be known as *talfiq*. But the doctrine of *siyasa*, however, did not provide enough relief to the reformers and they then challenged *taqlid* openly and accepted *ijtihad* as the only way to do the pruning and reinterpretation of the traditional legal practices. They concluded that the remarkable development of Islamic *Fiqh* in early Islam was a product of the freedom with which the learned jurists interpreted the Qur'anic precepts, so that the growing complexities of social and legal issues could be amicably resolved. During this period *ijtihad* touched the highest watermark in Islamic history. Muslim jurists in beg cities of the Muslim empire through debate and discussion, and using consensus and analogy as powerful interpretive tools, gave Islamic law its dynamic thrust forward and made it one of the most comprehensive system of laws in the world. But then due to variety of reasons doors of *ijtihad* were closed and Islamic jurisprudence entered a very long period of stagnation which continued till modern times. Professor Caulson while making comments on the growth of Islamic laws says,

Master architects were followed by builders who implemented the plans; successive generations of craftsmen made their own particular contribution to the fixtures, fittings and interior décor until the task was completed, future jurists were simply passive caretakers of the eternal edifice.<sup>93</sup>

It is against this passivity of attitude that the Muslim modernists have been in revolt for the last hundred and fifty years. They are not questioning the wisdom of the master architects, but are certainly dissatisfied with the way edifice has been turned into a sacred shrine whose structural changes have been totally forbidden. Such an attitude, they point out, is not only intellectually sacrilegious, but against all canons of reason and rationality. In their opinion to meet the challenges of modernity, Muslims need a drastic change in attitude and widespread pruning of laws and legal institutions.

Fyzee among the more recent Muslim modernists has adopted a very radical view about the entire legal framework of Islam. In his opinion the orthodox contention that the law of God is infallible and unalterable, and therefore cannot be disobeyed is of doubtful validity. He

points out that the Qur'an has put across his message before humanity in a variety of ways. In some cases it had laid down fundamental rules to dictate human actions, sometime it only makes a reference to a by law which might have been meant for a particular situation and as such restricted by time and circumstances and at other places it is contented by instructing its readers with a poetic metaphor, or through myth or legend. He has quoted the following verse of the Qur'an in support of his thesis. "He it is who has revealed unto thee (Muhammad) the Scripture wherein are clear revelations (*Mohkamaat*). They are the substance of the Book and others which are allegorical (*Mutashabihaat*)."<sup>94</sup>

Relying on the above verse, Fyzee has again construed that law and religion in Islam could be dichotomized. Law he says is always subject to a variety of interpretations, while religion is an enduring and unalterable phenomenon. Re-examination of the laws of *Shari'yyah* regarding such crucial matters as drinking, prayer, ablution, fasting and alms-giving (*zakat*), he argues, is a basic necessity. This re-examination will require, a collection of all evidence of pre-Islamic practices in these matters including information from Hebrew, Syriac, Ethiopic, Greek, Latin and other sources. After this he says we should undertake the true interpretation of the Qur'anic verses, studied in the chronological order with all the apparatus of the critics of Semitic scholarship will have to be determined a fresh; the authority of ancient scholars and *imams* cannot be accepted as final, and without question."<sup>95</sup> In this regard he makes a particular reference to the legal status of women in a Muslim society. The laws of marriage and inheritance in Islam, he says are very favourable to women and a tremendous advancement on the previous legal systems in the world. And yet, in many countries like India, Indonesia, Egypt, Persia and North Africa Muslim deny woman a share in immovable property. They are even denied the Qur'anic rights and politics in made almost like a forbidden fruit to her. To improve their legal status Fyzee has made the following suggestion.

Travel in Muslim countries demonstrates the painful fact that woman is considered the playing of man and seldom a life-long companion, co-worker or help-mate. It is not enough to brush this aside by saying that a particular practice is un-Islamic or contrary to the spirit of Islam. It is necessary to face facts, to go to the root of the matter, to give up inequitable interpretations, and re-educate the people. The Koranic verse, "Men are in charge of women, because God has made one of them to excel the other" should be reinterpreted as purely local and applicable only for the time being. Its wider application should be considered and it may be possible to construe it as a rule of social conduct which was restricted to conditions existing in Arabia at the time of the Prophet as being no longer applicable to modern life.<sup>96</sup>

According to Fyzee, the entire legal framework of Islam needs very critical re-evaluation. A first step in this direction, according to him would be to find out: at what time in history, a particular legal practice was introduced and what was the reaction of the contemporary Muslim society. In this matter he says independent and critical responses would be scrutinized very carefully and effort would be made to find out what were the immediate results. After this, modern scholars would need understanding of historical evolution of the legal doctrines and special concern will be shown to the extent Muslim gave compliance to these laws during different periods of Islamic history. A comprehensive list would be compiled of the changes, amendments and distortions, and circumstances which necessitated these changes. Fyzee also suggests that today the most pertinent yardstick to judge the validity of Islamic personal law would be “the norms of modern juristic thinking” and if they contravene any modern norm, how could they be changed. Fyzee then concludes his critical evaluation of the legal theories of Islam with the following remarks:

If the complete fabric of the *Shari'yyah* is examined in this critical manner, it is obvious that in addition to the orthodox and stable pattern religion, a new “Protestant” Islam will be born in conformity with conditions of life in the twentieth century, cutting away the dead wood of the past and looking hopefully at the future. We need not bother about nomenclature but if some name has to be given to it let us call it, “Liberal Islam.”<sup>97</sup> -

In his opinion the entire legal framework of Islam needs to be defossilized. The rigidities of the juristic schools have deprived the resilience which is so essential for progress and adaptation. Fyzee refers to extreme Muslim modernist Professor Humayn Kabir who supports his contention by advocating disengagement of faith from the anchorage of revelation to which it has been tied for centuries. He says:

Our faith can no longer be based on revelation or mystery, but it must transcend the limitations of self. A rational understanding of the nature of the external world and of the human personality, toleration for divergent points of view, and imaginative identification with our fellow men through understanding and compassion are the essential ingredients of a faith which alone can sustain our hopes in troubled and the complex world of today.<sup>98</sup>

In other words Fyzee demands that Islam be emancipated from its dogmatic and hidebound juristic cocoon. He gives right to every Muslim or believer to interpret canonical law. Freedom of thought, he believes, is the key to dynamic and progressive outlook and unless this outlook is developed, he sees no solution to the intellectual and moral turbulence that has engulfed the Muslim world. He says:

It is necessary to add that true Islam cannot thrive without freedom of thought in every single doctrine, in every single dogma. Just as Luther broke faith the

barriers of dogma in Christianity and asserted the right of individual interpretation, and Progressive Jewry has sought to bring a reformed Judaism to the Jews, so also Liberal Islam must be recognized and given its place by the orthodox. If orthodoxy is respected by us, how can it be that a liberal interpretation of the faith is considered tantamount to disbelief *kufir*? It must be asserted firmly, no matter what the ulema say, that he who sincerely affirms he is a Muslim; no one has the right to question his beliefs and no one has the right to excommunicate him. That dreadful weapon, the *fatwa* of *takfir* is a ridiculous anachronism!<sup>99</sup>

Fyzee approaches the problem of law with single-minded secularism. In his opinion, this approach does not interfere with his appreciation of the Qur'an being a revealed word of God and the Sunnah of the Holy Prophet being a model worth emulation, but faith in these two sources of Islamic law should not be a barrier to his appreciation of the crucial and very critical role of human intelligence in the affairs of men. It is a lubricant that enables them to keep their mind and soul glued to constant development and to give human beings the ability to adapt and adjust to ever-changing circumstances. History, in his opinion gives a pertinent lesson that pattern of civilization is evolutionary and, if we try to be indifferent to it, it would be a source of great inner anguish and make the future bleak and benighted. Fyzee has summed up his views as follows:

The essential belief of the Muslim is expressed in the formula; (a) there is but one God (b) and Mohammad is his prophet. The Koran is the word of God and his, therefore, a direct Revelation the practice of (Sunnah) of the Prophet is indirect Revelation, and is therefore, worthy of study and emulation. From these two sources (mongrel), which could not have been known to man but for Divine Grace, human intelligence creates the superstructure of law and theology (mongrel); when anew set of circumstances arises he asks whether the old principles cannot be applied to new conditions Occasionally in this process there is agreement among the Jurists and sometimes there is not (*ijma*, *qiyas*), but in any case, there is a constant development, and newer demands require fresh solutions. "It is a accepted fact that the terms of law vary with change in times. (Mejelle Art 39). The sources of law and religion being the same, the fusion is complete; the lessons of history, the conditions of society, the ever-varying pattern of civilization and the evolutionary process in the economic structure of the modern world have, however, not been taken into consideration sufficiently by the *Shari'yyah*, the result is that, by and large. Islamic law remains backward and underdeveloped in many parts of the world!<sup>100</sup>

In examining Fyzee's approach to legal reforms in modern Islam, we have to keep in mind the fact that intellectually he was a product of non-religious environments of the British Indian empire and after independence in 1947, he served the government of India which was committed constitutionally and ideologically to undiluted western-style secularism. Therefore one is not surprised that his views on Islam are

much more radicalized than those of intellectuals who are advocating reforms and modernization in societies where Muslim occupy a position of complete preponderance demographically. He wants to make a clear distinction between *Shari'yyah* and *qanun* and in the light of this dichotomy would like to make a critique of the *fiqh*. Moreover he points that India as a secular state has to pass countless laws which are essential for its industrial growth and economic development and which are totally unrelated to *Shari'yyah*. He refers to Coal Mines Ordinance, the Requisition and Acquisition of Immovable Property Ordinance, the Delphi University Amendment Act, and the Reserve and Auxiliary Forces Act, and points out these and numerous other similar acts legislated by Indian Parliament are outside the legal, ethical and spiritual region of Islamic *Shari'yyah*. Fyzee has expressed his views in this matter as follows:

This body of law secular, modern and statutory has nothing to do with the legal, ethical, and spiritual criteria laid down in the *Shari'yyah* or the dharma (Hindu religious law). It is a creature of our time, unrelated to the past, unhampered by the values familiar in sacred law. That in certain circumstances they achieve the values familiar in sacred law. That in certain circumstances they achieve results similar to those of *Shari'yyah*; that in others they may be said to be *mubah* is not really material from the Juristic point of view: what is necessary to be faced is that a Muslim living in a secular or a modern state must have the freedom and independence to obey fresh laws; and use legal values whether related to *Shari'yyah* or not, will have to be forged. It is becoming increasingly clear that something good and legal may be entirely outside the rules of *Shari'yyah*. Just as surprisingly enough some rules which are unjust and indispensable may occasionally fall within the orbit."<sup>101</sup>

Fyzee bemoans that the Muslim world today is in a state of moral, spiritual and economic decomposition. It is politically bankrupt and administratively very weak. There is chronic instability and one discerns a growing sense of rustication among Muslims and their fate is being eroded by sceptics, and lack of trust and confidence in the dynamic and progressive outlook of Islam. There is no sense of direction before them and they do not seem to know what should be done to remedy the situation. Fyzee himself confesses that he is uncertain about the methods and strategies that could be adopted to dispel the moral and spiritual stagnation of the Muslims, but would like that Muslims make a beginning somewhere. In his opinion the first step in this direction would be to evolve a scheme or a course of action, no matter how tentative it is and then pursue it with gusto, intellectual honesty, and flexibility of mind. His own scheme is divided into two parts which he calls Fundamental principles and Applied Principles. The Fundamental principles demand:

- a. Separation of law and religion. It means to separate logically dogmas and the doctrines from the legal framework of society. This is the only way that the subjective principles of Islamic ethics could be disengaged from the basic objectivity of legal rules. Fyzee realizes that such a separation in Islam is an uphill task, but still insists, that is the only rational way to deal with the problem. In his opinion the classic framework of *Shari'yyah* could be kept as it is, but to its modern rules pertaining to such matters as civil marriage, divorce, company laws, the law of insurance, the laws of civil aviation, hire and purchase agreements, international financial transactions, payment and receipt of interest, government loans could be added.
- b. Second component of Fyzee's scheme of Liberal Islam is the subjection of the entire theological heritage of Islam to a thorough re-examination and anxious scrutiny. This would mean *Shari'yyah* should be studied in the light of modern interdisciplinary approaches. Such social sciences as psychology, philosophy, ethics and metaphysics, and logic have in recent years propounded many new theories and models and they should be used to reassess the rules of *Shari'yyah*. Ideas should be gathered from all thinkers, regardless of their religion, nationality and put to us for the re-examination of Islamic theology.
- c. The third element of change is that all dogmas should be reinterpreted in the light of modern natural sciences like biology, chemistry, medicine, physics and anthropology.
- d. Fyzee complains that Muslim scholars have always shunned from making study of comparative and analytical cross-fertilization of the canonical laws of different religions, he points out we cannot have proper perspectives of Islamic ethical system and its spiritual norms. This is particularly essential in the case of Semitic religions like Christianity and Judaism, because Islam being of Semitic origin, his common features and close affinities with their spiritual, moral and religious ideals.
- e. Muslim scholars are seldom great linguists. Since the bulk of the *Shari'yyah* rules are in Arabic they always tend to confine their knowledge and insight only to this language. Fyzee thinks this has been one of the major causes of their intellectual stagnation. He recommends the study of Hebrew and Aramaic, Syriac, and Ethiopic languages.



After presenting his list of the fundamental principles of Islamic reformation Fyzee gives a brief account of the Applied Principles, which in his opinion will help our understanding of individual subjects of *Shari'yyah*. It requires the study of all the customary laws that existed before the rise of Islam. For instance what were the rules that governed drinking and marriage among the Arabs before the Holy Prophet announce the Qur'anic laws regarding them. It is also essential to know how the Holy Prophet initiated reform, and surmounted obstacles. And how during the succeeding centuries Jurists from different schools of thought interpreted these rules and we can conclude this inquiry by examining the present state of religious laws in the Muslim world.<sup>102</sup>

As of now the reform of Islamic legal system is incomplete, and probably will remain so for an unpredictable period of time. The present-day resurgence of Islam is likely to put further brake on the efforts of Muslim modernist, who have been trying hard for the last hundred and fifty years to change the laws of *Shari'yyah* in practically every Muslim country in the world. The rise of al-Ikhwan al-Muslimeen in the Arab world, the presence of a powerful religious organization like Jamaat-i Islami in Pakistan, and more recently the stunning success of Khomeini's Islamic revolution in Iran, has been a serious set back to the aspirations of those who had been striving with endless zeal to change Islamic legal system. It is a matter of common knowledge that even a simple survey of the world of Islam will show that Muslim government does not have carte blanche authority or a clear mandate to make a clean sweep of the laws of *Shari'yyah* and replace them with codes imported from abroad. In fact the "theory of social progress" has been fairly stunted by the latest upsurge of the revival of Islam. The bulk of the Muslim masses are still not prepared to separate "faith" from *Shari'yyah*. In other words faith and "the practical exhibition of the faith" are two facets of the same reality. It's very difficult to accept one and reject the other. It is very difficult to convince Muslim masses that Islamic laws in view of modernization have become narrow in scope and limited in application, therefore those who are fighting to reduce the sanctity attached to the authority of the past in a Muslim culture have a very tough battle ahead of them. This attitude persists not only in states which are predominately Muslim, but even among Muslims living as minority, in a overwhelming non-Muslim society the feelings are very strong that faith and "*Shari'yyah*" could not be dichotomized. Mushir-ul-Haq a Muslim scholar from India while deliberating on the future of Indian Muslims in a state which is constitutionally secularism, has made the following comments on the inseparable nature of faith and *Shari'yyah* in Islam, and

the dilemma that it poses for those Muslims who are living in a secular state, like India.

The *Shari'yyah* (which means away) and is usually translated as Islamic law is believed by generality of the Muslims to be "the Islamic way of life", comprehending beliefs, rituals, practices, public and personal law, and being stretched even to include dress, personal appearance and rules of behaviour in social intercourse... The Indian Muslims generally hold "Islam" as "faith" and "*Shari'yyah*" or "the practical exhibition of the faith" to be inseparable. Faith must show in action. And action has to be strictly in line with the rules and regulations formulated by the *fuqaha* (jurists) in the golden days of Islam, chiefly on the basis of the Qur'an and the prophetic traditions. Therefore no part of life is regarded to be outside of the purview of the *Shari'yyah* and its violation is considered "crime" as well as "sin".

Thus secularism and secular state are to be accepted or rejected on the basis of the *Shari'yyah*. The secular state, as we have seen, has a precedent in Islamic history and is believed to be incompatible with Islam. Since no serious effort has so far been made to explain to the Indian Muslims as it has been done in the case of Turkey-that "secularism" is a foreign word, and in Islamic society it can be interpreted quite differently from what is understood in a Christian society, naturally we find the Indian Muslims still groping after the meaning of secularism.<sup>103</sup>

The belief, that Islamic Law is Intrinsicly universal, and has built in cushions to absorb the shocks of change, is not confined only to Muslim masses, whom the Muslim modernists have the general tendency to label as ignorant but even some leading scholars in the field of Islamic law believe that the laws of *Shari'yyah* could easily be adapted to the changed circumstances. In their opinion the *Shari'yyah* has tremendous resilience to survive. M. Cherif Bassioni says, "law does not change its laws, customs and practices is inherent. The resolution of the Sixth International Congress of Co-operative law states it very aptly and succinctly, "The congress concludes that Islamic law has the power to adopt itself and by itself to the needs of modern life."<sup>104</sup> Professor Joseph Schat another eminent modern commentator of Islamic Jurisprudence has described the enduring elements of Islamic law in the following words:

Whatever may be the case of other features of traditional Islamic law, its fundamental concepts concerning the sanctify of contracts, the respect for private property, and the relationship between the individual and the state are well in line with the trend of contemporary Western legal thought. Thanks to its lofty standards, Islamic law still has an important part to play in providing legal stability and security in the Arab countries of the Near East, in the states of the traditionalist orientations to the law of the land and in the states of the modernist orientation as an ideal inspiring their secular legislation.<sup>105</sup>

Therefore one is not surprised that due to the deeply entrenched inherent popularity of Islamic *Shari'yyah* among Muslim masses, and because of the presence of the revered lobby of orthodox ulema in every

Muslim society, and the support provided by small but respected group of intellectuals, to the concept that regardless of the traumatic changes brought by modern civilization, Islamic laws could still be effectively used in the affairs of Muslim communities, new rulers of Modern Muslim states have been very reluctant to totally ignore Islamic *Shari'yyah* from the law-making process. Many constitutions of the Muslim states have made constitutional provisions for the implementation of the laws of *Shari'yyah*. Section one article II of the Constitution of Egypt states: "Islam is the religion of the state, Arabic is its official language, and the principles of Islamic *Shari'yyah* a principle source of legislation."<sup>106</sup>

Similarly the Provisional Constitution of Yemen promulgated on April 28, 1964 stated that Yemen would be a sovereign independent, Arab Islamic State and the constitution of the Republic of Iraq laid down that the country would be a democratic and socialist from the Arab heritage and the spirit of Islam.<sup>107</sup>

Among modern Muslim states, Pakistan, as mentioned earlier is the only one which was solely created in the name of Islam. It had three constitutions (1956, 1962 and 1973) and all had special sections devoted to Islamic provisions, that highlighted the process and methodologies by which social system in Pakistan could be Islamized and the laws of *Shari'yyah* could be implemented in every day sphere of human activity. The 1973 Constitution, which was a product of the late Mr. Zulfikar Ali Bhutto, who was patently a modernist, and a secularist, also had many important sections devoted entirely to the rejuvenation of Islam. It has a provision for a council of Islamic Ideology, which is meant primarily to find a way and means by which Islamic legal systems could become a practical reality and to fashion procedures by which existing laws could be purified of their repugnance to the rulers of *Shari'yyah*. Apart from Part IX which is entirely devoted to the Islamic provisions the constitution has various other clauses which are also meant to be a concession to the demand of the Islamic groups in the country. Article 41(2) states that the President of Pakistan would always be a Muslim. The section one "Principles of Policy" lays emphases on Islamic character and mentions that the "Steps shall be taken to enable the Muslims in Pakistan, individually and collectively to order their lives in accordance with the fundamental principles and basic concepts of Islam." These principles however are not enforceable in the courts of law, and could only serve as guidelines for the legislation. Pakistani Muslims have always insisted, that in order to live up to the spirit of the Islamic concept of *ummah*, Pakistan must always maintain fraternal ties with the rest of the Islamic world. Therefore the constitution of 1973 clearly points out

that, the state shall endeavour to preserve and strengthen fraternal relations among the Muslim countries on Islamic unity.” It was due to the added emphasis on unity of the *ummah* that during the Bangladesh crisis and the Indo-Pakistan 1971, that Pakistan got diplomatic and material support of many Muslim countries. To further dramatize this aspect of the constitution, the late Mr. Bhutto made “Journey of renaissance” to twenty two countries of the Middle East and North Africa.<sup>108</sup>

Similar religious sentiments, though may be not with the same depth and intensity as in Pakistan constitution, are often found in the constitutional laws of many other countries of the Muslim world. All this clearly indicates that conservative groups still have the capability of putting an ideological brake on complete secularization of a Muslim society. They are convinced that vociferous advocacy of *ijtihad* or claim to reinterpret the principles of the Qur’an by Muslim modernists is simply to disguise their evil designs against religion. Therefore orthodox elements condemn liberal thinking about legal theories of Islam as an effort to undermine the faith and create a climate that would be socially and morally un-Islamic. This bitter and gruesome clash between conservatism and modernity is the most conspicuous aspect of modern Islam and in no other area has this clash been more demonstrable, and overcharged with emotionality than in the legal reforms. The forces of stability and change seem to be equally strong in this field. Both have lost some ground, but each of them is still holding on to certain areas of legal activity, still very tenaciously. Noel Coulsone has described this conflict between stability and change in the following words:

In the universal legal history there can hardly have been any more resounding clash between the forces of stability and impetus for change than that which has confronted contemporary Islam. Stability lays in the fortress of the *Shari’yyah* doctrine recorded in the medieval legal annals which represented, for divine law, and which as an expression of the ideal system of Islamic behaviour, had enjoyed a paramount and exclusive authority of more than ten centuries standing. Under the shock of attack from the forces of change — the social and economic needs of Muslim society today as conceived by the reformers — this fortress has excluded parts of it, like the commercial and criminal law, have been almost completely destroyed. But the area of family law still holds out, thanks to the process of redeployment and reconstruction of its defences. By utilizing doctrines from other schools, by freeing the judges and jurists from the authoritarian doctrine of *taqlid* and allowing a greater freedom of juristic resolving both in the interpretation of divine revelation and in the solution of problems not specifically regulated therein, *Shari’yyah* law has retained its control with a new vigour through resurgence of legal moralism.<sup>109</sup>

The Muslim secularists or modernists attribute the present day frustrating stalemate in Islamic reform movement to the disunity that has plagued the ranks of the ulema, and the warring interpretations that different sects put on the contents and the substance of the Qur'an and the Sunnah of the Holy Prophet. These diverse approaches have caused Muslims bewilderment for nearly fourteen hundred years, and unfortunately a situation has reached where it is difficult to find a concrete definition of Islam, or give an authoritative explanation to a question: who is Muslim? In recent years, however, the orthodox religious circles, have tried to meet this challenge by closing their ranks, by minimizing their differences, and by rising above sectarian tensions and conflicts. At least one important effort in this direction needs to be mentioned which was experimented in Pakistan several years ago, in which Muslim Sunni scholars from different theological schools of thought and Shi'a religious savants met in a conference and produced a joint plan for Islamization of a modern Muslim society. The conference consisted of such powerful groups as Deobandi, Ahl-i *hadith*, Jamaat-i Islami, and also some leading religious leaders of the Shi'a community.

After prolonged and delicate discussions and deliberations, they evolved a manifesto of twenty two principles that would be acceptable to the bulk of the religious classes. The document counting twenty two articles was as follows:

1. Ultimate sovereignty over all Nature and Law belongs to Allah Rabb al-'Alamin.
2. The law of the land shall be based on the Qur'an and the Sunnah, and no law shall be passed nor any administrative order issued which would be in conflict with the Qur'an and the Sunnah. *Explanatory Notes:* if there be any laws in force in the country which are in conflict with the Qur'an or the Sunnah, it would be necessary to lay down (in constitution) that such laws shall be gradually, within a specified period, amended in conformity with the Islamic law or repealed.
3. The State shall be based not on geographical, linguistics or any other materialistic concepts but on the principles and objectives of the Islamic scheme of life.
4. It shall be incumbent upon the state to uphold the right (*ma'ruf*) and suppress the wrong (*munkar*) as postulated in the Qur'an and the Sunnah, to take all necessary measures for the revival and exaltation of the tenets of Islam, and to make provision for Islamic education in accordance with the requirements of the various recognized schools of thought.

5. It shall be incumbent on the State to strengthen the bonds of unity and brotherhood among all Muslims of the world and to inhibit among the Muslim citizens of the State the growth of all tendencies born of un-Islamic prejudices towards distinctions on the basis of race, language, territory or other materialistic considerations, so as to preserve and strengthen the unity of the *millat Islamiyah*.
6. It shall be the responsibility of the government to guarantee the provision of basic human necessities, i.e. food, clothing, housing medical relief and education to all citizens irrespective of religion or race, who are temporarily or permanently incapable of earning their livelihood due to unemployment, sickness or other reasons.
7. The citizens shall be entitled to all the rights conferred on them by Islamic law, i.e. they shall be assured, within the limits of the law, of full security of life, property, and honour, freedom of religion and belief, freedom of worship, freedom of person, freedom of expression, freedom of movement, freedom of association, freedom of occupation, equality of opportunity and the right to benefit from public services.
8. No citizen shall at any time be deprived of these rights except under the law, and none shall be awarded any punishment on any charge without being given full opportunity of defence and without the decision of a court.
9. The recognized Muslim schools of thought shall have, within the limits of the law, complete religious freedom, the right to impart religious instruction to their followers, and shall have the freedom to propagate their views. Matters relating to their personal status shall be administered in accordance with their respective codes of jurisprudence (*fiqh*). It will be desirable to make provision for the administration of such matters by their respective *qadhis*.
10. The non-Muslim citizens of the state shall, within the limits of the law, have complete freedom of religion and worship, mode of life, culture and religious education. They shall be entitled to have matters relating to their personal status administered in accordance with their own religious laws, usages and customs.
11. All obligations assumed by the State within the limits of *Shari'yyah* towards the non-Muslims citizens shall be fully honoured. They shall be entitled equally with the Muslim citizens to the rights of citizenship as enunciated in paragraph 7.

12. The Head of State must be a male Muslim in whose piety, ability and soundness of judgement the people or their elected representatives have confidence.
13. The responsibility for the administration of the State shall primordial vest in the Head of the State, although he may delegate any part of his powers to any individual body.
14. Governance by the Head of the State shall not be autocratic but consultative (*shurai*), i.e., he will discharge his duties in consultation with persons holding responsible positions in government and with the elected representatives of the people.
15. The Head of State shall have no right to suspend the constitution wholly or partly or to run the administration in any other way but on a consultative basis.
16. The body empowered to elect the Head of State shall also be empowered to remove him by a majority of votes.
17. In respect to civic rights, the Head of the State is not above the law.
18. All citizens, whether members of the government, officials or private persons, shall be subject to the same laws which shall be applied to all by the same courts of law.
19. The judiciary shall be separate from and independent of the executive in the discharge of its duties.
20. The propagation and publicity of such views and ideologies as are calculated to undermine the basic principles and fundamentals of the Islamic State shall be prohibited.
21. The various zones or religions of the country shall be considered administrative units of a single State. They shall not be linguistic or tribal units but administrative areas which may be given such powers under the supremacy of the Centre as may be necessary for administrative convenience. They shall not have the right to secede.
22. No interpretation of the constitution which is in conflict with the provisions of the Qur'an or the Sunnah shall be valid.<sup>110</sup>

The above conference, and the comprehensive statement issued by it, however, is no indicator that a final blueprint for legal reforms has been found. It was just a minor episode, which did not have a lasting impact, and the path of the legal reforms continues to be strewn with conflicts among conservatives and the modernists as well as among various Muslim sects and different legal schools in Islam.

Notwithstanding the tensions and conflicts which continue to rake reform movements in Islam, certain universal norms are emerging in the interpretation and implementation of *Shari'yyah*. It appears they are likely to persist and spread as the time goes by and eventually as the emotions and passions are tranquilized, a consensus may emerge in which *Shari'yyah* will rediscover its pristine adaptability and its response to change would never be always negative, and its opponents will acknowledge that regardless of traumatic changes in thought and attitudes of people, in a Muslim society the fundamentals of *Shari'yyah* would always remain the basic of policy-making machinery of the government.<sup>111</sup>

The recent legal developments in the Muslim states have affirmed the trend that without questioning the validity of the divine revelation, human intellect could still play critical role in the Judicial process. Courts in many Muslim countries have assumed power to determine “a legal rule revelation.”<sup>112</sup> In this regard the full bench of the Lahore High Court in *Khurshid Jan V Fazal Dad* gave a landmark judgement. The case related to a matter of divorce in which Khurshid Jan using the option of property-head divorced her husband. In a Hanafi law, which is the commonly accepted school of Islamic Jurisprudence in Pakistan a minor girl could validly be given in marriage by her guardian but the girl after attaining the age of puberty, provided the marriage did not consummate could seek divorce by her own right. In this case wife repudiated marriage after consummation, therefore the District Court dismissed the petition because she applied for the termination of the marriage after consummation. The wife made an appeal before the Lahore court where the full bench heard the case with specific purpose of answering a question, “Can courts differ from the views or norms and other Jurisconsults of Muslim Law (that is the doctrine of the motive legal morals) on the ground of public policy, Justice, equity and good conscience.” The question was answered in a 30,000 word judgement. The crux of the argument of learned Judges was as follows:

if there is no clear rule of decision in Qur'an and traditional text i.e. Sunnah — a court may resort to private reasoning and, in that, will be guided by the rules of justice, equity and good conscience — the views of the earlier Jurists and imams are entitles to utmost respect and cannot be lightly disturbed, but the right to differ from them must not be denied to the present day courts.<sup>113</sup>

The same tendency has been noticed in the court practices of several other Muslim countries. Courts are exercising more and more discretionary authority in the name of Justice and good conscience while interpreting the laws of *Shari'yyah*. They have assumed the role of a mentor of social and religious ethics in modern Islam. In Syria and



Jordan, courts could refuse permission to marriage if there was a great age difference between man and woman. In the polygamous matrimonial unions also the courts have given ample leverage to exercise discretion according to the rule of equity and fair play and often taken into serious consideration the financial viability of the husband.

A general survey of the legal reforms in the Muslim world shows, that they in reality are not the product of a genuine and serious public demand. Masses in most Islamic societies are apathetic in this manner. The reality of law with its force of legalistic structure, and technical vocabulary and abstruse vocabulary, are hard to understand for an average citizen, and when law is integrated into the religious faith, as is the case in Islam, even a devout and practicing Muslim can barely comprehend the impact of change in the complex laws. Out side the very limited circle of religious scholars, very few Muslims have any clarity of thought about the rules of Islamic *fiqh*, particularly when these rules due to sectarian differences between Shi'as and Sunnis, and the variety of interpretations put by the major Sunni schools of Islamic Jurisprudence have become very subtle and intricate. Therefore modernization of laws is basically imposed by Muslim governments whenever they come under the influence or are controlled by modernists. Therefore one is not surprised that legal reforms introduced in this manner are often sporadic and arbitrary, they lack caution and there is always a lurking hesitation behind them, and not infrequently they are changed or amended by successive governments. But in spite of this inadequacy, according to Joseph Schacht the Muslim Modernist Legislation of Islamic law have been brave and ingenious in manipulating the intrinsic administrative flexibility of the *Shari'yyah* and with considerable success has been able to express the Western legal ideas in Islamic traditional medium. He has summed up his ideas as follows:

The method used by the modernist Jurist and legislators in the Near East savours of an unrestrained eclecticism which goes beyond combining the doctrines of more than one recognized school; any opinion held at some time in the past is apt to be adopted, without regard to its historical and systematic content. Materially, the Modernists are bold innovators; formally they try to avoid the semblance of interfering with the essential contents of *Shari'yyah*. Rather than changing the positive rules of traditional Islamic law outright, they take advantage of its principle that the ruler has the right to restrict the competence of the Kadis with regard to place, time, persons and subject matter, and to choose, among opinions of the ancient authorities, those which the Kadis must follow. The ideas and arguments of the modernist come from the west, but they do not wish to abolish Islamic law openly as Turkey has done. They postulate that law, as well as other human relationships, must be ruled by religion has become an essential part of the outlook of the Muslims in the Arab countries of the Near East.<sup>114</sup>

Schacht further points out that today's Muslim Modernist lawyers and legislators are essentially in the same situation which confronted Muslim Jurists at the beginning of the second century of the *hijrah*. Islamic *fiqh* at that time did not grow out of the existing legal system, and the present-day law reform movement also is not being shaped or provoked by some already prevalent philosophy of law. All they have are certain Islamic standards which used to be imposed on law and society but modern Islamic jurists should not simply be contented by adapting Islamic law to contemporary conditions. They must critically evaluate and assess the modern social dynamics, and legal philosophies from the point of view of Islam, and find out which elements of traditional Islam represents genuine Islamic standards.<sup>115</sup>

Search of true Islamic standards, and honest evaluation of inescapable changes without survival of a modern social system is likely to be jeopardized, and then equipoise them against each other, is the crux of modern Islamic renaissance. Change without casting any suspicion on traditional Islam is the biggest dilemma that confronts Muslim reformers in the second half of the twentieth century. In the resolution of this rests the future of Islam and the well being of Muslim society. But the resolution of this rests the future of Islam and the well being of Muslim society. But the matters as they stand today do not seem to suggest any easy solution to this problem. Tensions between traditionalism and modernity are noticed in every walk of life and in every sphere of human activity in all Islamic states of our time. Dual between *taqlid* and *ijtihad* has made Modernist law reformers even more virulent, because ulema, who are the chief proponents of *taqlid* fear that legal reforms would eventually become a prelude to large scale social reforms that may undermine the fundamental basis of the faith. John Esposito has made the following comments of these critical elements of modern Islam:

Despite the change thus far, the conflict between the forces of conservatism and modernism has continued. Resistance to change often results in indirect, ad hoc legal methods of reform as well as the shelving of draft legislation. The problem which has emerged is still very much that of *taqlid* (following tradition) versus *ijtihad* (reinterpretation). The infallibility of the classical law versus legal change. The task is not an easy one, namely to provide and Islamic rationale for change, one clearly rooted in Islamic history.<sup>116</sup>

Both Muslim and non-Muslim observers of this scene have subjected this issue to serious reflection and made certain suggestions and strategies to solve this ideological riddle. Professor Fazlur Rahman has pointed out that educational systems in Muslim states are archaic. It has never been subjected to any thoughtful public debate and discussion. It is ill-organized both structurally and ideologically. According to Fazlur

Rahman its biggest failure is that it is dichotomized.<sup>117</sup> In every Muslim society two parallel systems are in operation side by side. One is modern based on Western ideas of modernity, and the other is totally traditional in outlook derived from medieval educational philosophy of Islam. The former is located in a well equipped school or college and is sponsored by government, while the latter generally tends to be located in a mosque or a religious seminary after operating in shabby environments and is usually funded by private donations. The two systems are producing diametrically different outlooks on society. One is geared to progress secularism, and modernity, and the other is on traditionalism and is harnessed to the authority of the past. Unless Muslim reforms make a serious effort to break this dichotomy, the present dual between modernity and traditionalism will never end. There is an urgent need to religionize government-run schools and colleges and modernize religious institutions which are imparting traditional education. If complete integration of the two systems, or synthesis of their curricula is not immediately possible; a plan to bring them closer in outlook could easily set a foot that would mitigate the intensity of bitterness and hostility which are prevalent at present among those who graduate from these institutions.

It has also been suggested that the Sunnah of the prophet which is the second most important component of the *Shari'yyah*, needs to be understood better, than is currently the case in the Muslim world. The Qur'an is divine, revealed, infallible and unalterable, but *hadith* in which the Sunnah of the Holy Prophet is indexed needs to be assessed more carefully. Since the Sunnah of the prophet is an indispensable source of law, and without it the true meaning of the Qur'an could not be understood, it is for Muslims to create a consensus about *hadith*, because at present the *hadith* literature has been left in the form in which the great Imams left it. During the course of the centuries *hadith* has been a victim of many centuries of distortions and each sect has evolved its own specific manual of *hadith* which supports its views and beliefs. Therefore instead of having one model of the Sunnah of the Prophet, we encounter several of them and this has caused considerable bewilderment to Muslim scholars and reformers. An honest effort in this direction would be of tremendous help in crystallizing some of the baffling issues that confound policy-makers in Modern Muslim States. It is our assumption that if the Muslims rise above sectarianism and the enduring captivity of the past authorities, and resolve their differences regarding this matters which have nothing to do with the Qur'an or the Sunnah of the Holy Prophet, and forces their attention just on Islam as a compact ideological package with an intention to make it powerful alternative in the

contemporary war of ideologies, ground could be prepared to resolve the dilemma which is a source of such wide spread frustration and desperation among Muslim masses.

Professor John Esposito has urged Muslim intellectuals to search for an Islamic methodology to understand the comprehensives of Islamic law, because much of the present-day Islamic revivalism revolves around the laws of *Shari'yyah*. From Morocco to Indonesia, every Muslim land seems to be resounded with a call to return to *Shari'yyah*. First he says we have to decide what is meant by *Shari'yyah*. Is it an effort to go back to the laws which emerged about more than a thousand years ago and reflect the social and legal needs of the time to which they originated, or it would mean the discovery of an Islamic law with reinterpretations done in the light of totally changed socio-cultural conditions in the modern world. Professor Esposito has summed up his suggestion in this matter as follows:

As Muslims seek to reach their personal and national identity in an Islamic past, the importance of reinterpretation (*ijtihad*) and community consensus (*ijma*) is evident. Providing an Islamic methodology undermines any sense of the Islamic character of reforms by the vast majority of Muslims. While passages of the reforms may be effected through an autocratic leader of a legislature comprising of small elite's, their ultimate acceptance by the vast majority of the Islamic community will not be assured. Thus, for example the Islamic Republic of Iran has repealed the Family Protection Act. Pakistanis reviewing provisions of the Muslim Family Laws Ordinance of 1961 which rest on a weak Islamic methodology. In Egypt, among the majority criticisms levelled against the family law reforms of 1979 by conservatives was its questionable Islamic methodology which includes the use of *talif*. Therefore, care in the mechanisms employed in rendering reforms is of utmost importance. Islamic Jurisprudence provides the resources for such an undertaking.<sup>118</sup>

A careful survey of Islamic resurgence in the Muslim world gives a clear indicator that in the modern history of Islam, this perhaps is the most appropriate time to evolve a methodology that would have the maximum receptivity. The present-day religious revivalism has produced a tremendous intellectual metamorphosis in Islamic countries. It has broken the monopoly of the traditional ulema over the religion. There is no dearth of Muslim intellectuals today who in spite of their Western education, and without any formal theological indoctrination, have deep Islamic orientations. The intellectuals of this class in the past always were secularists who were either indifferent or entirely antipathetic to Islam, and modernization which was another name for Westernization was their primary socio-political gospel. Intellectuals who are at present associated with Islamic revivalism, however, detest contemporary western civilization and consider it morally and socially toxic. In their

opinion Islam has unquestioned superiority and it is much better for a Muslim society to Islamize than Westernize. In Iran Imam Khomeini led the Islamic revolution, but the contribution of Sorbonne educated Ali Shariati to enthuse the educated classes about Islam was in no way less significant. Abul Hasan Bani Sadr, the first President of the religionized Iran was also a graduate of the French university, and leaving aside his later differences with the late *Imam*, in the early stages of the Islamic revolution he was one of his closest associates. In Pakistan Sir Muhammad Iqbal, the poet-philosopher who ideologically sired Pakistan had been educated in Germany and England, and yet practically all of his poetry and the bulk of his prose writings are vibrant with Islamic sentiments. He advocated the creation of Pakistan to preserve Islam, and told Muslims of South Asia, that the Qur'an and the Sunnah of the Holy Prophet alone could salvage them from contemporary moral anarchy, social chaos, economic bankruptcy and political backwardness. Same could be said about the late Khalifa Abd al-Hakim (d.1959) and Mr. A.K. Brohi (1915-1982) who had been nurtured on western thought, had no formal religious education, and yet, throughout their career they remained ardent devotees of Islam.

Similar instances could be gathered in other Muslim lands, where the growing numbers of intellectuals are gravitating fast towards Islam as their sole spiritual and moral anchorage. In Egypt Najib Mahfuz (1911), Arab world most famous novelist and the Nobel prize winner, always participates actively in all debates relating to Islam, laws of *Shari'yyah* and social change. And same was true of Aled al-Halim Mahmud (d.1978), who had degrees both from al-Azhar and doctorate from Sorbonne in 1960. Intellectuals like Mahfuz and Mahmud could play a decisive role in shaping up of a Islamic methodology that would synthesize laws of *Shari'yyah* and the fast changing realities of the contemporary world. Najib Mahfuz has summed up his vision about the present dilemmas and the future of Islam in the following words:

But there is some general research concerning a full application of the *Shari'yyah*, I believe that every Muslim welcomes this and considers that its execution will accomplish this most cherished dream. This true Muslim preserving in his duties often finds himself perplexed. He leads a contemporary life. He obeys civil and penal laws of Western origin and is involved in a complex tangle of social and economic transactions and is never certain to what extent these agree with or contradict his Islamic creed. Life carries him along in his current, and he forgets his misgivings for a time until one Friday he hears the *imam* or reads the religion page in one of the papers, and the old misgivings come back with a certain fear. He realizes in this new society he has been afflicted with a split personality: Half of him believes, prays, fasts and makes the pilgrimage. The other half renders void in banks and courts and in the streets, even in the cinemas and theatres,

perhaps even at home among his family before the television set. He listens to an announcement that the application of the *Shari'yyah* is near at hand. He is happy and rejoices...however his concerns are not removed completely because the matter is not as simple as it first appeared. It is not merely a question of formulating a decree and applying it; but, in fact, it requires an attack on an integral system to demolish it and rebuild it on a divine basis. It may be easy for us to close bars and impose a new dress code for women but what about the banking and the current economic practices. They are closely tied to their counterparts in the international system. We may be able to dominate action but it is absolutely out of the question that we control the reaction. Moreover, we are continuously dealing with international institutions like the United Nations, its committee and the Security Council. All this requires exact research and serious thought before we can realize our dream without causing a general convulsion. Perhaps also a Muslim's concerns are not completely absorbed by this because he is not only a true Muslim, but also is a true citizen. His ancient ancestors lived in the Islamic kingdom and had no allegiance save to God and the kingdom. That is past history. Nationalism appeared and nations multiplied to the point that the Arabs fought under the banner of nationalism against the abode of the Caliph in the First World War. Thus allegiance was limited to the fatherland. Religion was left to God; the fatherland was for all. The concerns of the true citizen increase. The wise solution is easy for the wise. God has given us the best gifts — the human intellect. The wise men entrusted with looking into the application of Islamic legislation must 1) produce a thorough interpretation of how these principles should be understood (today); 2) provide a profound interpretation which will help us understand the reality of our present lives; and 3) maintain whole hearted respect for the principles to which political organizations are bound, namely, the inevitability of the socialist solution, social peace and national unity...<sup>119</sup>

The approach or Mahfuz to Islam as an intellectual seems so much different from the views so closely associated with such great intellectuals of Egypt like for instance Taha Hussain who dominated the world of thought and letters in the Arab world before World War II. In every decision about Islam they had Western secularism at the backyard of their mind, and material welfare of the people and national interest dominated their intellectual pursuits. Taha Hussain ignoring the fundamental unity of religion and politics in Islam declared, "History shows that religious and linguistic unity do not necessarily go hand in hand with political unity, nor are they props on which states rely. From earliest Muslim have been well aware of the now universally acknowledged principle that a political system and a religion are two different things that constitution and state rest above everything else on practical foundations."<sup>120</sup> Under the growing impact of Islam revivalism, the chances of intellectuals like Taha Hussain to have any tangible impact on Muslims are very limited. Most intellectuals today are willing to accept faith as the basis of organized life and are prepared to assign religion a decisive role in public life and legal affairs.

It is due to dramatically changed intellectual climate in the Muslim world that hopes are being nurtured that if the Muslim scholars and religious savants of Islam get together and narrow their differences and reinterpret past authorities in the light of changed realities of contemporary life, many of the dilemmas currently confronting the Muslim world could be automatically resolved. In such a situation modernization would mean westernization and many of the sectarian conflicts, and warring religious contentions of difference schooled of Muslim jurisprudence could be resolved amicably. If during the early centuries of Islam, the great Imams could provide independent legal interpretations of the laws of *Shari'yyah*, there is no reason why present-day Muslim Jurisconsults using innovative methodologies would not be able to introduce legalisms that would make Islamic system dynamic and progressive. None could question the imperative nature of the Qur'anic precepts, but throughout Islamic history there have been voices which demanded continuous reassessment of the *hadith* literature. Even landmark figures in the history of Islamic theology like Muhammad bin Ibn Abd al-Wahhab in Arabia and Shah Waliullah of India had advocated self-criticism of the huge volume of *hadith* literature as great source of religious enlightenment and a factor that would always strengthen the faith. In the vocabulary of modernization *ijtihad* should be totally disengaged from westernization, and must be considered a permanent part of the Islamic cultural heritage; And at this time consensus about *ijtihad* and its uses could be created because the Muslim world is resounding with slogans of *tajdid* and *nahda*. John Voll, has summed up the historical necessity of *tajdid* and *islah* in Islam in the following words:

Whether against popular Islam, established Islam, or an Islam of Synthesis, the *tajdid-islah* response is similar; the Muslim, as an individual and part of a community, must adhere in a strict and relatively literal way to the Qur'an, and the Sunnah of the Prophet. Anything that works against or dilutes that adherence approaches ungrateful unbelief and needs to be eliminated by the process of *tajdid* and *islah* — the call to the direct adherence to the Qur'an and the Sunnah has a basic corollary. If these two are the essential and perfect sources for judgement and guidance, other sources of advice may be helpful but they do not have to be followed. Authorities other than the Qur'an and the Sunnah can, if they are associated with practices that are being opposed, should be rejected or at least ignored. The renewed-reformer generally has claimed the right to make his own judgement based directly on an independent analysis of the Qur'an and Sunnah.<sup>121</sup>

The primary objective of contemporary legal and social reformers of Islam is to maintain the continuity of the past, the present and the future. It is a genuine urge, and pervades practically in every human society. Cultural continuity is the crux of national identity, and gives the process

of law-making its much needed legitimacy. It minimizes the chances of public resistance to government policies, and puts up psychological dikes against sudden changes those often social systems. This continuation of change and stability on surface seems to be an impossible task, but given the circumstances in which inter-action between traditionalism and modernity has become a two-way traffic it does not seem beyond the realm of possibility for the two to co-exist. We can modernize traditionalism, or traditionalize modernity.

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- 7 The Qur'an.
- 8 The Qur'an, 5:91.
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- 10 Mathew Lippman, et al., *op.cit.*, p.48.
- 11 The Qur'an, 24:23.
- 12 The Qur'an, 24:4.
- 13 The Qur'an, 24:6.
- 14 Mathew Lippman, et al., *op.cit.*, p.46.
- 15 The Qur'an.
- 16 Mathew Lippman, *op.cit.*, p.45.
- 17 Safia K. Mohsen, *op.cit.*, pp.109-11.
- 18 The Qur'an, 5:33.
- 19 Mathew Lippman, *op.cit.*, p.49.
- 20 The Qur'an.
- 21 The Qur'an, 25:69-69 Also 4:93 and 2:178.
- 22 The Qur'an, 5:48.
- 23 Mathew Lippman, *op.cit.*, pp.53-55.
- 24 Safia K. Mohsen, *op.cit.*, p.113.
- 25 *Ibid.*, p.115.



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- 26 The Qur'an, 4:34.
- 27 Safia K. Mohsen, *op.cit.*, pp.118-120.
- 28 *Ibid.*, pp.125-126.
- 29 *Ibid.*, p.126.
- 30 Herbert J. Liebesny says:  
"By its very nature Islamic law could be expected to be more resistant to change than other legal systems. It is an integral part of religion and in theory is immutable. This religious character of the law has, in doubt increased its resistance to change, but the resistance has not been as great as might be supposed!"  
Stability and Change in *Islamic Law in Middle East Journal*, Vol. 21, No. I, Winter, 1967, p.16.
- 31 Niyyazi Berkes says:  
"The Penal Code of 1858 was incomparably modern in form and substance. Its provisions were predominantly secular. However it was not entirely free from certain Seriat provisions in its original form. Article I stated that the code did not abrogate the *uqubat* (penal) provisions of the Seriat., that it was enacted merely to codify within the limits of the rights of *tazir* of the *ulul-amr* (the chief Executive that is the ruler) and it would not infringe upon claims for *qisas*, *diya*, or personal rights determined by the Seriat; the code contained specific articles to these effect, (Arts 171, 172, 177 and 180).  
*The Development of Secularism in Turkey* (Montreal McGill University Press, 1964), p.164.
- 32 Herbert J. Liebesny, *op.cit.*, pp.20-23.
- 33 John Obert Voll, *Islam: Continuity and Change in the Modern World* (Boulder: Westview Press, 1982), p.92.
- 34 Herbert J. Liebesny, *op.cit.*, pp.26-28.
- 35 Noel J. Coulson says:  
"During the later part of the nineteenth century the dichotomy in Islamic legal practice became much more pronounced. The presence of Western European powers in the Near and Middle East had produced a rapid expansion of trade and the development of novel commercial techniques. And as the most realistic way to cater for this situation, the Muslim countries of the Near and Middle East promulgated codes of commercial law and procedure based on European models. A similar large-scale reception of European law took place in the field of criminal jurisdiction. Substantive *Shari'yyah* doctrine had he lost touch with the temper of Middle Eastern society generally — In Egypt and Northwest Africa these codes were of French inspiration; in Sudan basically English law was adopted, while Libyan code was based upon Italian law." *Conflicts and Tensions in Islamic Jurisprudence* (Chicago: The University of Chicago Press, 1969), p.72.

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- 36 Herbert Hourani has explained Muslim romantic fixation to the laws of *Shari'yyah* as they have been inherited from generation to generation in these words. "If faith should weaken or die, the sense of solidarity might easily turn into defensive pride, challenging and empty. Again, when the inner life was no longer sweetened by personal devotion, the actions of the believer would be controlled by a rigid legal system in which the door of *ijtihad* (the intellectual activity of the doctors of law) had been closed forever. His mind, too, would be dominated by the concepts of a dogmatic theology which set limits to the use of reason. Thus the comparative absence in Muslim thought of the ideas of natural law and casualty is the intellectual ground of that false romantic idea of history and that lack of order and continuity in thought and action which are among the weaknesses of the Arab popular mind; and the orthodox concept of prophecy, as the literal imperilling of the word of God through a passive human mouthpiece, lies at the root of an inadequate system of ideas about human nature and the relationship of God and man."  
*The Decline of the West in the Middle East* in Richard H. Nolte (ed.), *Modern Middle East* (New York: Atherton Press, 1963), p.34.
- 37 Richard H. Nolte, "The Role of Law in the Arab Middle East" in Richard Nolte (ed.), *The Modern Middle East* (New York: Atherton Press, 1963), p.170.
- 38 John L. Esposito, *Women in Muslim Family Law* (Syracuse University Press, 1982), pp.50-51.
- 39 *Ibid.*, pp.55-57.
- 40 *Ibid.*, pp.60-63.
- 41 Peter Avery, *Modern Iran* (New York: Frederick A. Praeger, 1967), p.284.
- 42 *Ibid.*, pp.289-90.
- 43 Herbert J. Liebesny, *op.cit.*, p.30.
- 44 Rich H. Nolte, *op.cit.*, pp.167-168.
- 45 Kedanrie says:  
"Islam today still retains the staunch loyalty of the masses. But it is increasingly challenged by the values and assumptions of industrial civilization. Can the two co-exist, or will the secular world of the Cadillac and the Mirage drain Islam of its vitality, and confine it to the imaginary muse in Islam today" in *Islam and the Arab World*, edited by Bernard Lewis, (New York: Alfred Knopf, 1976), p.346.
- 46 Joseph Schacht, "Problems of Modern Islamic Legislation" in Richard Nolte (ed.), *Modern Middle East* (New York: Atherton Press, 1963), pp.174-176.
- 47 *Ibid.*, pp.190-191.
- 48 cf. *Ibid.*, p.197.
- 49 Herbert J. Liebesny, *op.cit.*, p.18.

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- 50 *Ibid.*, p.19.
- 51 Albert Hourani.
- 52 *Ibid.*, pp.236-237.
- 53 cf. Ignaz Goldziher, *Introduction to Islamic Law and Theology* (Princeton: Princeton University Press, 1981), p.234.
- 54 cf. John Obert Voll, *op.cit.*, pp.273-274.
- 55 John L. Easposito, *op.cit.* p.75.
- 56 *Ibid.*, pp.76-77.
- 57 *Ibid.*, p.80.
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- 70 *Ibid.*, p.1230.
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- 75 *Ibid.*, pp.12-15.
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- 77 *Ibid.*, p.269.

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- 105 cf. Kalin Bahadur.
- 106 Joseph Schacht says:  
But the interest and importance of traditional Islamic law, which has existed for more than a thousand years and is still eagerly studied all over the world, is not affected by these changes. It still casts its spell over the laws of contemporary Islamic States: in the states of traditional orientation, such as Saudi Arabia as the law of the land; and in the states of modernist orientation as an ideal influencing and even inspiring their secular legislation.  
*An Introduction to Islamic Law* (Oxford: Calarendon Press, 1964), p.111.
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## ***Islam and the “Third Way” Theory of Economic Development***

Economic development is an undiminished universal passion among nations. Like numerous other critical areas of the socio-economic life, the Muslim scholars have been struggling hard to evolve a consensus about this vital ideological issue relating to the nature and structure of economic institutions in a Muslim society. Since the notion of the welfare state and socialistic philosophies dominate the thinking of modern man, leaders and reformers in the world of Islam have also been constrained to reflect seriously in this direction and find out what creative contribution Islam could make to the emerging economic order in the world on the eve of the twenty-first century. During the course of prolonged controversy, many philosophical contours of the issue have been clarified, but still there are many unresolved questions about whether Islam and the Western economic systems have certain common features in shaping the future of the economic activity of man, particularly under the contemporary circumstances when economic of the world are linked so closely that on their healthy interdependence rests the ultimate material welfare of mankind. The need for such an examination has become more urgent because in every Muslim country, a powerful movement of Islamic revival is striking deep roots, proponents of this revivalism, though in most cases still in minority, constitute a very powerful group in every Muslim society and they claim that Islamic economic philosophy is a better alternative to the faltering and failed economic theories of the West.

The Western economic systems which are widely publicized in the writings of modern Islamists are socialism and capitalism which in their opinion have turned out to be thoroughly inadequate in resolving the complex and baffling economic problems both at national and international levels. Therefore before we examine what exactly is Islam's

economic philosophy, and how and why Muslim scholars and Islamic activities think it is superior to the Western economic thought, it would be in the fitness of things to make a synoptic survey of the basic contents of the two Western economic systems, so that we could crystallize the relevance of Islam as a "third way" which is being put forward among most of the Islamist circles as a much more balanced, less exploitative, and better placed ideologically to ensure material welfare of humanity.

Socialism is a generic term applicable to all revolutionary ideologies of the latter half of the nineteenth century, which arose to counteract the growing power of the liberal capitalism. Communism, Pluralism, Syndicalism, Anarchism and Fabianism, all spoke of socialism as the only solution to the economically and socially deranged human civilization. Each one of them, however, viewed socialism from a different ideological perspective. They also differed widely in the means they advocated to remedy the evils of liberal capitalism. In spite of these differences, however, they shared their universal concern for the material deprivation of the poor and acute social and economic disparities that plagued the ranks of the people in societies which were being rapidly industrialized. They all envisioned a society that would be free from economic injustice, class struggle, social friction, and racial discrimination. All of them were against religion, and denigrated ideals associated with its morality. It would be wrong to say that the proponents of these ideologies were not sincere; but they were certainly unrealistic in their appraisal of human nature, evolution of history, and cross-currents of sociological and spiritual forces which had traditionally determined man's outlook and behaviour. They oversimplified problems of industrial society, and one is not surprised if in the end all turned out to be utopias.

Later seeing that many of the prophecies of the radical thinkers were false and a large part of their theoretical framework inoperative, efforts were made after the turn of the century to evolve a workable synthesis of all the socialist doctrines. Such a synthesis has been called democratic socialism. The democratic socialists are convinced that force and violence are self-defeating and only through education and peaceful representative institutions a stable socialist order could be established. The protagonists of this ideology accept democracy as the best form of government, and would like to tailor goals of socialism in a manner so that they could be easily adjusted to the requirements of the democratic process. This means abandonment of such important objectives of revolutionary of production, and dictatorship of the proletariat. Democratic socialists also conclude that efforts should be focused to narrow the gap among classes, because classless society in absolute

terms is too idealistic. They encourage class mobility but do not think that complete elimination of class differences is either possible or desirable. The ideology of democratic socialism is considerably anti-capitalistic; but at the same time, its ideologues contend that private ownership of property, individual initiative, private enterprise, free market and profit motive can coexist with socialist policies. Within certain limitations these characteristics can act as a vital stimulant to the economic activity of a modern society.

We have mentioned democratic version of socialism, because the protagonists of the “Third Way” Islamic theory find in it certain elements which show some ideological and intellectual affinity with some of the Qur’anic concepts regarding economic activity and which also have certain broad references in the Sunnah of the Holy Prophet as well. It is because of this commonalty of economic thinking which has prompted some leading Muslim scholars of designate Islam i.e. economic theory as Islamic Socialism.

Communism has very little attraction for the Islamists because it is patently against the Qur’anic world view. Its godlessness and deep-seated hostility to religion would always generate repugnance against it among believers of popular Islam. Moreover it negates Islam’s individualistic approach to conduct the affairs of society, and it rests mostly on force and compulsion for compliance among the masses. Capitalism has also been targeted for attack, because in spite of its tremendous creative propensities, it is still extremely corrupt and monopolistic. Its cut-throat competition divides society into antagonistic classes, and the weak and the poor have very slim chances for the betterment of their economic status. Its spirit is permeated with economic disparity and social injustice. Moreover capitalism is considered to be the seed plot of secularism, which removes religion completely from, social, political, and economic landscape of the community. Taking into consideration all these facts about capitalism, it is hard to believe that truly Islamic society could ever be reconciled with the ethical, sociological and political implications of capitalism.

In every Muslim society today the main issue, nation-building, revolves around the concepts like nationalism, socialism and capitalism. Public debates about them are often intense, bitter and acrimonious because many aspects of these Western ideologies are inimical to the Islamic religious doctrine. Tremendous efforts are being expended to synthesize Islam and social and economic philosophies of the West, emancipate traditional Islamic theology from its dogmatic captivity, and restore it to its original dynamism. Maxime Rodinson, a noted French



Orientalist, has listed the following critical questions that crop up in the mind of every Muslim reformer today.

Why, in fact, did capitalism triumph in modern times in Europe, and not in the Muslim countries (among others)? But also-why has European Capitalism been able to penetrate the Muslim world so easily? In the past and present, has Islam, or at least the cultural tradition of the Muslim countries, favoured (or does it favour) capitalism or socialism or a backward economy of the feudal type? Or does it urge those who are influenced by it in a quite different direction, a new economic system specific to Islam?

Rodinson has raised some critical issues concerning Islam's religionized economic planning versus Europe's secular theories. It is true during most of Islamic history economy in a Muslim state was feudalistic, but during colonialism, foreign rulers of Muslim lands had capitalistic background, and they encouraged natives to adopt such a system because in their opinion it was progressive, individualistic, and secular. It is possible that Muslims, under colonial rule were more receptive to capitalism, because in Islamic thought also there is ample room for an individual to be autonomous within the general parameters of the religious doctrine. In Islam, state has a positive role in economic development, but this role has to be exercised within the framework of Islamic individualism, which highlights the philosophical spectrum of the Qur'an. Islam attaches great value to individual freedom. Unity of God and His ultimate sovereignty over the entire universe is the cardinal principle of Islam. It is the central theme around which the entire Islamic ideology revolves, and if strictly adhered to it could have many revolutionary implications for the Muslim society. The Qur'an says:

Those unto whom we gave scripture rejoice in that which is revealed unto thee and of the laws there are who deny some of it. Say: I am commanded only that I serve Allah and ascribe unto him no partner. Unto him I cry and unto him is my return. Say (O Muhammad). O man-kind: Lo I am the messenger of Allah to you all-(the messenger of) him unto whom belongeth the sovereignty of the heavens and the earth. There is no God save Him.

In the concept of the sovereignty of God, most commentators have found an effective charter of human rights and individual freedoms. It emancipates mankind from all kinds of bondage and servitude, and puts up powerful ideological dikes against domination of man over man. All individuals regardless of their rank and status in society are accountable to no one except God. In the eyes of God they are all equal. *Salat*, the congregational prayer provides an example of this universal subservience and impeccable compliance to the sovereignty of Allah. All Muslims, regardless of their rank and status in society stand shoulder to shoulder with each other. They are following the same *imam* and all of them including the *imam*, bow together simultaneously, and prostrate in the same way. In Islam rulers and the ruled as individuals have not special

mark of distinction to differentiate them from each other. At least on religious and moral level they are equal.

Moreover, the fact that individual in Islam is accountable only to God, gives him the courage of conviction to fight for his rights. He remains aware of his freedom of speech, and has the right to seek answers to all questions that concern him from those who are making the final decisions for the society. This courage, which is not tainted with selfishness, is also a gateway for creative action, and a source of initiative by which an individual could become an architect of his own destiny. A welfare state in order to function in this kind of ideological atmosphere will have to adopt a different pattern of behaviour than what is associated with it in the West. To preserve the sanctity of the individual, the institution of property, and the mechanism of market economy, in an Islamic system are adjusted in a manner that a fairly large share in the production and distribution of goods and services is left in the hands of the individual. Abdul Hamid A. Abu Sulayman a modern Muslim scholar has made the following comments on this aspect of Islam:

Finally, the world order of Islam would come upon every man by virtue of birth and humanity the ultimate right of honour, namely, the capacity to think and make up his mind as to which *millah* he wishes to belong and hence, by which law he desires to order his life and that of his dependents. It regards the human person as endowed by God at birth with the capacity to judge between alternatives presented to the mind, and as responsible in the exercise of his faculties and choices. Islam countenances no tutelage whatever in this matter. On the contrary, it regards censorship and spiritual guardianship in matters of religion and law as an affront to the person and to humanity and a compromise of the divine design for creation.<sup>1</sup>

It is because of this inherent individualism that Islam has upheld the rights of the individuals and the groups to pursue their economic objective and these rights would never be under any threat from the state provided they adhere to the Qur'anic norms and ethical ideals. The definition of public good is the welfare of all citizens and not merely of the ruling elites who happen to be at the helm of affairs at a particular time. Elitism, tribalism and feudalism do not fit into Islamic scheme of things. Similarly profit motive has been declared a candid human urge, and very much apart of human nature. Profit motive is a primary thrust behind incentives, which govern and dictate man's economic activities. It helps him to mobilize all his genius to achieve all his healthy economic designs. It is a key to creativity and a gateway to efficiency and productivity.

It would be however very simplistic to think that Islamic societies accepted capitalism due to the colonial policies of the Western powers.

Even a cursory glance over the intellectual fermentation stirred by westernization shows that it left Muslim scholars and planners confused and befuddled in most cases. The fact of the matter is that if any economic theory of the West attracted them the most it was socialism. Many Islamists for lack of any exact terms to describe the substance of socialism ideologically baptized western socialism and called it Islamic Socialism. The term remained in vogue for many decades during the first half of the twentieth century, and was abandoned only after the 1960's when militant anti-West Islamic resurgence dropped socialism, and considered that Islam by itself was sufficient to signify that it required economic justice, to be the cardinal feature of an Islamic society. A.K. Brohi, (1915-1988) a leading Pakistan attorney and a Muslim thinker has explained his doubt about the use of the term "Islamic Socialism" in the following words:

If 'socialism' is precisely what Islam enjoins us to accept, then socialism by itself should be acceptable to us as our national ideology. If, however, it is not the conventional type of socialism that Islam enjoins upon us to accept, then in a lot of essential particulars one may ask, has Islam modified this concept so that it must be requited as Islamic socialism to distinguish it from its non-Islamic varieties.<sup>2</sup>

A.K. Brohi denies any ideological affinity between Islam and communism, which is the seed plot of different varieties of Western socialism. In his opinion at the heart of communism is the concept of the materialistic interpretation of history which declares man as homo-economics. In this view history is governed by immutable economic forces, which could not be controlled by human initiative and determination. Karl Marx the high priest of this doctrine, who gave communism its present day militancy and over-simplified deterministic characteristics, had deep-seated antipathy against all religions. He dismissed religion as man's emotional and mystical aberration. He dubbed it as a psychological narcotic, which makes people accept denial of their right to have viable economic status in society with a sense of resignation. They tolerate oppression, tyranny, and social and economic injustice because of the fatalistic approach inherent in every religion. Brohi says that Islam and materialistic interpretation of history cannot co-exist as one ideology because they patently contradict each other. In Islam, spiritual sublimation and material prosperity in human life are considered of equal importance. Religion is designated as the sole anchorage of man's existence, and although material happiness is deemed essential, it is balanced against spiritual and moral ideals. Islam also recognizes that due to indisputable differences among human capabilities, there would always be income disparity among people but these differences would not be allowed to become corroding economic

illness of society. Brohi has summed up his views in this matter as follows:

Contrary to this view, the framework of Muslim view of life, this avowedly materialistic approach must be rejected since it is in conflict with the Qur'an. There is accordingly, no place in Islam for the materialistic interpretation of history so that you might, with some justification be able to argue for the privacy of economic factor. Therefore socialism as an off spring of materialistic interpretation of history cannot be acceptable to a Muslim.<sup>3</sup>

No matter whether we designate Islamic economic theory Islamic Socialism or use some other nomenclature, one thing remains clear, whenever Muslim scholars have dwelt on economic life in a Muslim community, there have always been certain elements of socialistic planning co-existing with fundamental individualistic tendencies of Islam. Whether Islam is socialistic or capitalistic, however, remains an unresolved dilemma. There have been fervent and staunch contenders of both points of view and this enduring controversy remains a permanent feature of the history of economic thought in Islam. The debate seems to have started among the companions of the Holy Prophet, then later Jurists continued to evaluate this theme in different forms in books of *fiqh*, but it was during the nineteenth century, that the subject became a matter of serious public discussion among scholars and statesmen in many Muslim lands.

Abu Dhar al-Gaffari, a companion of the Holy Prophet is considered to be the first Muslim to interpret certain Qur'anic verses to show that community's good takes precedent over individual's welfare. The historical details about the career of Abu Dhar are rather blurred, but since whatever has been handed down to posterity about his ideas resembles a lot with the leftist ideologies of the contemporary world, Muslim socialist of today have been making increasing use of his views in propagating their theories. His original name was Jundub and his surnames were Abu Dhar and "The Christ of Islam," and he belonged to the tribe of Gaffar. This tribe was notorious for its ferocity and most of its members lived on robbery. In his early career Abu Dhar was also a robber, but then later at some stage a radical transformation took place in his character, and he changed to pious living and decent behaviour. This happened before he had met The Holy Prophet. Afterwards when he heard that a prophet had arisen in Makkah, he met the Holy Prophet and embraced Islam. He was the fifth person to embrace Islam. The new faith gave him so much of spiritual zeal and moral strength that he went to Ka'aba and publicly proclaimed the truth about the new message of God. But it was too early to do so, and as a result he was severely beaten by the infidels of Makkah. The Prophet, after this incident, advised him to return to his own tribe and work for its conversion to the new religion. He came to Medina only after the battle of *Khandaq* and then stayed with the Prophet until the latter's death. After the death of the Caliph Abu

Bakr, he moved to Syria; but during the caliphate of Uthman he returned to Rabdhah, a village near Makkah where he died in 31 A.H.<sup>4</sup>

It is said that during his stay in Syria, he entered into serious argument with Muawiyyah who was the governor of the province at that time, on the question of the accumulation of wealth, ostentatious living and extravagance. It was during this public debate that he propounded certain ideas that have earned him the title of the first great socialist of Islamic history. He believed that hoarding of wealth was unlawful, and it was the responsibility of the state to see that no Muslim was unified, underfed or unclad. Muawiyyah, on the other hand, contended that as long as a Muslim paid the *zakat* he was at complete liberty to accumulate as much wealth as he liked. Abu Dhar always referred to the verse of the Qur'an that stated. "Those who treasure up gold and silver, and do not expend them in the way of God — give them the good tidings of the painful chastisement." Muawiyyah contended that the verse was being cited out of context because it was preceded by a reference to Jews and Christians, and as such was meant for them not for the Muslims. Abu Dhar, on the other hand, believed that it was meant for everybody. It is said that even Caliph Uthman believed that his interpretation of the Holy verses was too radical and could lead to social and economic turmoil. There is no doubt, however, that economic justice was a great passion of Abu Dhar's life. Rodinson has summed up the popularity of Abu Dhar among Muslim leftist thinkers in the following words:

Whatever the truth may be, Abu Dhar has unexpectedly acquired enormous popularity in the Muslim world of the twentieth century. The socialist and communist left have seen in him a precursor, or have at least made more use of him.<sup>5</sup>

In modern times al-Tahtawi is generally considered to be among the earliest proponents of Islamic socialism. His approach to the distribution of material resources in a Muslim society was socialistic to a vast extent. He wrote during the nineteenth century, when Europe was unhinged with economic restlessness, and socialist economic planning at least in theory was being articulated with great passion by philosophers like Marx, Kropotkin, and Fabian socialists. Al-Tahtawi contended that the value of the manufactured industrial goods depended primarily on the skill and hard work of the labourer. He labelled the profit motive of the capitalist system an economic sin. But it would be helpful to keep in mind the fact that al-Tahtawi did not have access to Marx's writings. He was probably basing his conclusion on Adam Smith and Ricardo's labour theories. The two Muslim reformers who had access to the socialist literature of Europe during the closing decades of the nineteenth century were Jamal al-Din Afghani and Muhammad Abduh. Students of modern

revolutionary movements in the world of Islam are familiar with the fact that Afghani was a tireless crusader against European imperialism, but at the same time he was deeply impressed by western liberalism and socialism, the two doctrines that were being shaped philosophically to undo despotism in the political field, and remove the ills of the unbridled capitalism. Although Afghani did not elaborate systematically this theme, but whatever little evidence is available shows that he did not see any contradiction between Islam and socialism. In one of his articles, he explained his views on this subject as follows:

The case is different as far as Islamic socialism is concerned; it is part and parcel of the religion of Islam; it is also closely related to the character of its people from the time when they were nomad pagans. The first to practice socialism were the great Caliphs — the Prophet's companions, who were its most zealous promulgators, as we shall go on to prove. "This may be taken as example of the kind of socialism they had before Islam. And while assets remained private property, they were well used and shared; that was what made socialism acceptable and admirable. There was no selfishness and no arrogance vis-à-vis the poorer people just because one had a noble house, or delicacies to be enjoyed in company, or a fine house to live in, while the one created all the riches, the poor labourer, occupied a poor shack with no leg room and having his children outside exposed to the freezing cold and the scorching heat with not enough bread to still his hunger or clothes to cover his nakedness. "Islamic socialism can best guarantee its effectiveness and usefulness; it is viable because the Qur'an, its sacred scriptures, contains many pointers to this very thing. The first thing a Muslim learns from the *Fatiha* (the first chapter in the Qur'an), is that God is "the Lord of the worlds. "That mankind has but one Lord, and that he, like the rest is but an underling. He also knows that the Qur'an instructs and even orders the mighty — the warriors and the conquerors, to defend the rights of the weak, to the effect that those who cannot take part in the holy war, or *jihad* should have a share (of the spoil), (8:41). This verse makes it incumbent on those who go to war endangering their lives to share their gains with those who contributed nothing to the fight. The first share, a fifth, goes to Allah (i.e. God's servants); the second goes to the Prophet; the third, to relatives, i.e. the weak who for some reason or other did not take part in the fighting nor helped to get the loot, but must not on that account be deprived of a share (of the spoil) which was obtained by the strong who risked their lives in the attempt. "All this, as will be seen, is based on the wisdom of sharing, (*ishtirak*), as was the practice, to the mutual satisfaction of those who did the fighting and those others who did not. After God and the Prophet priority was given to those related to the warriors according to their affinity; to those who looked after their children in their absence. Next come those who were not so related, their names "orphans". The sharing is then made to include the poor, (*al-masakin*); the sharing was made to go still further so as to include the way fare. This then was a form of socialism of which there is none better or more inclusive. The Qur'an censures those who accumulate riches and commends those who unselfishly support and feed the poor, although they may go short themselves. "Having seen how judicious the Qur'anic laws are on sharing, let us see how they work in practice. The fraternity which the Prophet

established between the Muslim emigrants and the Helpers, or *Ansaar* was a noble piece of work and an unmistakable example as to how sharing was accepted to the letter. This arrangement enabled the emigrant Muslim without compromising his religion contentedly to leave his country and domicile, his kith and kin, his property and possessions, happy to reach Madinah in safety. The helper on his part, remaining where he was with his folk, his home and possessions, was content to share everything with his emigrant brother.<sup>6</sup>

Afghani's leading disciple Abduh, following the thinking of his mentor, also emphasized that the Qur'anic way to social justice demanded that the wealthy be persuaded to contribute generously towards the welfare of the community as a whole. In his opinion, the Holy Book considers not only a moral obligation on the part of the rich, but also emphasizes that it is in the self-interest of the latter that they should alleviate the economic anguish of the poor. The rich, therefore, he argues, have a religious duty to guarantee both spiritual and material happiness of their coreligionists. He expects the Muslim State to be an effective arbiter of economic conflicts, and must initiate all major reforms. A Muslim state is a protector of the poor and weak. Abduh favours free enterprise, but would accord a state a major role in the formulation of the nation's economic destiny. It must manage labour-management relations and the scarce resources of the country. About land, however, Abduh adopts a more radical point of view. He argues that the Qur'an considers land a common property of the community, and as such it should be regulated by the state.<sup>7</sup>

After the turn of this century, and particularly with the rise and success of Bolshevism in Russia, interest in socialism among Muslim scholars and revolutionaries increased a great deal. The New Russian leaders, from the beginning of the revolution, had shown keen interest in the Muslim world. Since most of the Muslim countries during the early decades of this century were subjected to European imperialism, it gave the leaders of the Russian Revolution ample opportunity to incite the Muslim masses against Western capitalism which, in their opinion, had sired imperialism. Many leading Muslim scholars living in exile were willing to lend support to Bolshevik propagandists in their war against the capitalist system. One such scholar who had close contacts with the Russian leaders was Muhammad Barkatullah, a prominent Muslim leader from India who had previously published a journal called *Muslim Unity* from Japan between 1909 and 1914, and later during the First World War when a group of militant nationalists established a government in exile in Afghanistan to fight the British, he joined them as a Foreign Minister. He was also the author of a pamphlet entitled, *Bolshevism and Islam*, which had wide circulation in many Muslim lands. The pamphlet was an amateurish intellectual exercise of blending such discordant and

incompatible themes as communism, Muslim universalism, and Salafi religious reforms advocated by Egyptian religious scholar Rashid Rida in his *al-Manar*. The only importance this pamphlet has for a student of revolutionary movements is that it represents one of the earliest attempts to create sympathy for communism among the Muslim people. It starts by explaining the gravity and magnitude of exploitation to which the Muslim world was subjected at the hands of the capitalist European powers. It also provides a synoptic view of the constitutional and liberal movements that were working in these lands, and condemns leaders like Sharif of Makkah who collaborated with the British against the Ottoman caliph. He says:

Time has come for the Moslems of the world and the Asiatic nations to understand the noble principles of Russian Socialism and embrace them seriously and enthusiastically. They should fathom and realize the cardinal virtues taught by the new system and in the defence of the new freedom they should join Bolshevik troops in repelling the attacks of the usurpers and despots the British. They should, without loss of time, send their children to Russian schools to learn the modern sciences, O' Moslems listen to the divine cry. Respond to this call of liberty, equality, and brotherhood which brother Lenin and the Soviet government are offering you.<sup>8</sup>

Muhammad Barkatullah visited Moscow in 1919 and became associated with *Jamiyyat Takhis-ish Sharq-il-Islami*, (The Society for the Liberation of the Moslem East) a body that had been formed within the Russian Foreign Office.

But the ideas regarding Islam and Communism which Muhammad Barkatullah was trying to emphasize were totally contrary to Islam, and as such could not win any support either among the intellectuals or the Muslim masses. It is very difficult to reconcile economic spaciousness provided by the Islamic doctrine with the rigidity, narrow, and over simplified theses of Maxism and Leninism. More than rigid it, however, it was the godlessness of communism that on spiritual and moral grounds was abhorrent to the bulk of the Muslim population of the world. There is no doubt, the laws of *Shari'yyah* have categorically stated that alleviation of the pangs of poverty from the Muslim community is a political and moral responsibility of those who preside over its destiny; but to accomplish this framework of economic institutions has been prescribed that could help the Muslims to equalize incomes rationally, without the economic and political tyranny associated with communism. If there are elements of socialism in Islam, they have some uniqueness of their own. They are not certainly the same that are commonly listed as chief characteristics of scientific socialism. But before explaining the depth the implications of Islamic economic theories, it would be useful to



examine the views of certain leading Muslim commentators of the twentieth century on this subject.

On the Indo-Pakistan sub-continent, Sir Muhammad Iqbal a leading poet philosopher of modern Islam made some exciting comments about Karl Marx and his message to the world, and wrote some thrilling poems depicting the hapless conditions of material degradation to which the peasants had sunk under the burden of the economic oppression of the landlord. Iqbal subjected both capitalism and communism to some very serious reflection. In addition to poetry, he elucidated his view in this matter in his letters and statements also. He leaves no doubt in the mind of the reader that he was favourably inclined towards several practical aspects of communism, and found them very close to the Islamic ways of thinking. And yet, he strongly objected to some of its fundamental elements which in his opinion strangled the spiritual life of a man. Abdus Salam Nadvi has summed up Iqbal and communism in the following words:

Communism is an interesting aspect of Iqbal's poetry. In *Bal-i Jibrael* and other works he has written on this doctrine with such enthusiasm and fervour that he can easily be declared a socialist; but in spite of this he differs strongly from some of the fundamentals of this movement.<sup>9</sup>

The element of communism that was most suffocating for Iqbal was its atheism. Karl Marx had dubbed religion as "the opium of the people" and felt, "the abolition of the religion, as the illusory happiness of men, is a demand for their real happiness." As a philosopher, whose soul was drenched in the spiritual message of the Qur'an, Iqbal could certainly not reconcile himself to the Godlessness of communism. He believes life without religion is hollow and meaningless. In *Pas Cheh Bayed Kard* he castigates this doctrine as very negative and inimical to the ideals that have so beautifully embellished the spiritual horizons of man from times immemorial. In one of these lectures, he makes a eighly and a categorical statement by saying,

Both nationalism, and atheistic socialism, at least in the present state of human adjustments, must draw upon the psychological forces of hate, suspicion and resentment which tend to impoverish the soul of man and close up his hidden sources of spiritual energy. Neither the technique of medieval mysticism nor nationalism nor atheistic socialism can cure the ills of a despairing humanity.<sup>10</sup>

In spite of this vehement denunciation of communism and socialism on spiritual grounds, there are numerous clear indications in his thought that can lead us to believe that Iqbal felt that among all the contemporary ideologies socialism was perhaps more humanitarian in outlook. He

hated imperialism, slavery, exploitation and injustice in every shape and form. He lived in a society where feudalism had economically shipwrecked the fate of the peasant. Under its gruesome domination the peasant was doomed to eternal misery and helplessness. Land, in his opinion, belonged to God, who alone controlled the destiny of the Universe and made nature as fruitful and beneficent for the enduring welfare of mankind as a whole. No particular class can claim any monopoly or exclusive possession of any part of it. Some of the verses in his *Bal-i Jibrael* show Iqbal's inner anguish that he felt at the unbridled monopoly of land in the hands of the feudal aristocracy of his day.<sup>11</sup>

His views about the emerging industrial elite with tons of demonstrable wealth were equally radical. His sympathies were entirely with the working class. In his opinion, they were being subjected to manipulation and tyranny of the capitalist class, and this spectacle of wailing humanity left him in deep spiritual agony. His conscience revolted at this gross injustice and in his *Pas Cheh Bayed Kard*, he vindicated his despair in some of his most eloquent verses. He attributed this economic anarchy in which the only sufferer was the worker, to capitalist exploitation, and believed that unless this system was completely uprooted, salvation of mankind from its present-day ills will remain an unrealizable dream.<sup>12</sup> Iqbal has denounced feudalism and capitalism with such conviction and with so much emphasis that a student of his thought is left with an impression that he is certainly looking for some new economic system and a different social planning. But this is not true. It was mentioned earlier that even communism which, in his opinion, had some pertinent revolutionary message for humanity was deficient. But still among the modern Western thinkers he gave Karl Marx the maximum credit for at least highlighting the moral and material bankruptcy of the Western civilization. He called him Moses without illumination and uncrucified Christ, who could never be prophet but at least had a book, that had put the nations of the East and the West in a state of intellectual and political fermentation, and exposed the fallacies of their policies. This is the kind of tribute that Iqbal has paid to Karl Marx in his poem entitled, "The Devils Advisory Council."<sup>13</sup> In *Bal-i Jibrael*, he explains that the traditional political systems have been humiliated and the world seems to be sick of kings and potentates. The epoch of capitalism is over and its magic completely lost.<sup>14</sup>

The above synoptic survey of Iqbal's examination of the contemporary Western ideologies shows that socialism probably was the only one with which he could find some intellectual affinity. But even in

the case of socialism, his loyalty was limited to the extent that it voiced a powerful protest against all kinds of human exploitation. But this doctrine despaired him too, because it lacked spiritualism and was based on godlessness. Therefore, he called upon his co-religionists to keep a firm grip on Islam, because in it they could find practical goodness of socialism, with the additional benefits of the Qur'an sublime spirituality, and the excellences that could be harvested out of the belief in the Unity of God and His unlimited powers as a creator and sustained of this Universe. In a speech made on Mach 21, 1932, he elucidated his point of view before the Muslims in the following words:

This is the inevitable outcome of a wholly political civilization which has looked upon man as a thing to be exploited and not as a personality to be developed and enlarged by purely cultural forces. The people of Asia are bound to rise against the acquisitive economy which the West has developed and imposed on the nations of the East. Asia cannot comprehend modern Western capitalism with its undisciplined individualism. The faith which you represent recognizes the worth of the individual and disciplines him to give away his all to service of God and man.<sup>15</sup>

According to Iqbal, the Qur'an repudiates both the tyrannical collectivism and undisciplined individualism. In his opinion, in Islam concentration of wealth is a social sin. The fundamental message of the Holy Book is that all material resources have been created by God for the common good of mankind. It is a religious obligation for those who handle the affairs of community to see that rampant poverty is reduced, if not completely eliminated. The revealed word of God had denounced hoarding of money as an attitude that adversely affects the economic health of the society. For him, to defeat the evils of capitalism, the Qur'an is the only weapon. He points out that there is no better guarantee for the betterment of the poor than Islam. Iqbal is convinced that no other religious doctrine has focused so much attention on the economic uplift of those whom luck did not favour with material affluence, as Islam. It has made religious duty for each Muslim not to possess more than what he really needs. All that he has in surplus should be spent for the common good of the people in general. In a truly Muslim society, privileges and prerogative entailed by wealth are to be reduced to the minimum. To achieve this end, the Qur'an has made *zakat* an integral part of the Faith. It is one of its main pillars. This institution is intended to bulldoze economic inequalities. It saves the rich from the demonstrable waste, and strengthens his public image as a benefactor of mankind and puts a safety valve against the human instinct of acquisitiveness. If *zakat*, in his opinion, is implemented in the true spirit and with vigour with which it was adumbrated in the early history of

Islam, the Muslim society will not suffer the pain and anguish of chronic poverty.

For Iqbal, life without religion is a hollow mockery of the supreme ideals for which this universe has been created; and a religion which does not practice justice and fair-play is a spiritual travesty. Islam in this matter holds a commanding position among the religious doctrines of the world. Like every other Muslim reformer of this age, Iqbal's greatest anxiety was to alleviate the lot of the poor, whom economic deprivation, constant threat of unemployment, lack of education, and social discrimination had made such a ghastly spectacle of increasing frustration and despondency. In his opinion, laws of *Shari'yyah* provide the only solution to the critical question of poverty in a Muslim society. In a letter to Quaid-i-Azam Muhammad Ali Jinnah dated May 28, 1937, Iqbal expressed his concern in this matter in the following words:

The problem of bread is becoming more and more acute. The Muslim has begun to feel that he has been going down and down during the last 200 years. Ordinarily he believes that his poverty is due to Hindu money-lending or capitalism. The perception that it is equally due to foreign rule has not yet fully come to him. But it is bound to come. The atheistic socialism of Jawaharlal is not likely to receive much response from the Muslims. The question therefore is: how is it possible to solve the problem of Muslim poverty? And the whole future of the League depends on the League's activity to solve this question. If the League cannot give us such promises, I am sure the Muslim masses will remain indifferent to it as before. Happily there is a solution in the enforcement of the Law of Islam and its future development in the light of modern ideas. After a long and careful study of Islamic Law, I have come to the conclusion that if this system of Laws is properly understood and applied, at least the right to subsistence is secured to everybody.<sup>16</sup>

There is no doubt that during the later years of his life, Iqbal showed growing inclination towards socialism, but as mentioned before, he wanted to give it a Godhead which carries the spirit of the Qur'an. But in his writings, one seldom finds any concrete plan of economic planning in Islam. From the revealed word of God, the most tangible elements to which he makes reference are land reforms and rehabilitation of the institution of *zakat*, as a powerful anti-poverty instrument which could still have tremendous economic potency for a Muslim state. In a modern industrial society, even when socialism which of a kind is not antipathetic to individualism, there are countless other social and economic problems which need be accommodated within the laws of *Shari'yyah*. On these critical issues, one does not find any definite clue in Iqbal's works and this has led some foreign critics to believe that his reactions to capitalism and communism were no more than a manifestation of poetic emotionalism of a sensitive soul. Cantwell Smith

says, "One aspect of Iqbal's hatred of capitalism is his preference of love to reason. He was not intellectually a socialist. He did not know analytically and logically what was wrong with capitalism, but he was emotionally a socialist because he loved mankind. Therefore, he preferred emotion to intellect."<sup>17</sup> Iqbal Singh, another non-Muslim observer of Iqbal's thought has made similar comments when he says, "during the last few years of his life, Iqbal felt increasingly the impact and challenge of socialistic ideas as nobody could fail to do in the present age. It is true also that he wrote a number of poems during this last phase which strike a deceptive revolutionary note-such sporadic emotional outbursts, however cannot be taken seriously as socialism or even as "Muslim socialism whatever that ambiguous term may imply."<sup>18</sup>

It was merely the poetic and inspirational gravitational pull of Iqbal towards Islamic humanitarianism that gave a powerful momentum to socialist thinking among the Muslims of the Indo-Pakistan sub-continent. Even some of the leading theologians soaked in traditional orthodox conservatism were carried away by the revolutionary propensities of socialism, and searched in the Qur'an, the life of the Holy Prophet, and the economic philosophy of the Pious Caliphs, numerous indications to suggest that Islam was inherently socialistic in its ideological framework. There were many among the learned savants who thought the same way, but the two who publicly advocated theistic socialism of Islam as a countervailing force against the atheistic socialism of Karl Max, were Maulana Ubaidullah Sindhi and Maulana Hifzal-Rahman Sihwarwi. Both were associated with Deoband the most powerful stronghold of orthodox Islam in South Asia.

Maulana Ubaidullah Sindhi was born in a Sikh household in 1872, but embraced Islam at an early age and then devoted the rest of his tumultuous life to the study of Islam and in defence of other revolutionary causes related to the politics of India during the British rule. In 1889, he joined Deoband and became a devotee of Maulana Mahmud-al-Hassan. In 1912, he moved to Delhi as a representative of Deoband and immediately became associated with the leading political and religious figures. Among his associates, he could count men like Dr., M.A. Ansari (1880-1936), Hakim Ajmal Khan (1863-1928), and Maulana Muhammad Ali (1878-1931) who later achieved national reputation as great freedom fighters of India against British imperialism. In 1915, he was sent by Maulana Mahmud Hassan to Kabul to expose the fallacies and tyrannies of the British rule.<sup>19</sup> During World War I, the Turco-German agents had formed a government-in-exile in Kabul and Maulana Ubaidullah Sindhi became a member of it. In the meantime, the

British government banned his entry into the country and he was forced to spend several years of his exile in Makkah devoting his time solely to religious scholarship. In 1938, he was allowed to return to his country, and immediately after landing he resumed his revolutionary activities. In politics he supported the views of those ulema who believed in united India, but he was very critical of the militant anti-Islam Hindu revivalism that dominated the platform of the Indian National Congress, and was particularly opposed to the leadership of Mahatma Gandhi.

In religion he had tried to blend eclecticism, mysticism, and socialism, under the general theological umbrella of Islam. At one stage, he argued that if the Mughal emperor Akbar's eclecticism had been denuded of its heretical elements, the entire population of the sub-continent would have been converted to Islam. He viewed all religious scriptures including those of Hinduism as sacred in origin, but felt they had been corrupted by their believers. He also had a belief that the universal humanism of the Sufis could resolve religious conflicts in the world to a considerable extent.

In matters relating to Islam, he followed the path of Shah Wali Allah, and would like to harmonize the opinions of the latter with some of the modernist ideas popularized by the Aligarh school of thought founded by Sir Sayid Ahmad Khan. About socialism his assessment resembled that of Iqbal to a considerable extent and felt that spiritualized version of modern Western socialism, with touch of Islamic individualism was the closest that any contemporary ideology could come to Islam. He turned to Shah Wali Allah in this matter, because in him both the strict orthodoxy of the Deoband seminary and the modernity of the Aligarh school found a common source of inspiration. He approaches Islamic socialism through the monotheism and the concept of Jihad as enunciated in the Qur'an. In *tawhid* or the ultimate sovereignty of God, he discerned a vital spiritual force that abrogated all distinctions and disparities that had plagued human society for centuries. It equalized human beings who always had the tendency to divide themselves into antagonistic camps in terms of status, rank, income, race, and nationality. He found that Karl Marx also in his ideological onslaught against capitalism. Made this equalization the cardinal feature of his thinking. The concept of Islamic socialism, in his opinion, is a combination of Faith and Action. Faith, in the eternal truth and righteousness of the message of the Qur'an is the first stage but dynamic action is the sole repository of the spirit of Islam. In the Islamic vocabulary, this dynamic action which produces revolutionary changes in social and economic structures is called Jihad, which can be waged by a variety of weapons such as sword, pen, the human heart, and the

expression of truth with boldness. Unlike other modernists, he does not offer any apology for Jihad, and approves of it wholeheartedly both as an instrument of defence as well as of aggression. But in his opinion, preference should always be given to peaceful methods to achieve an Islamic socialist revolution. Triumphs of peace are much more significant and last longer. Like Iqbal, he denounced Russian communism for its Godlessness, and its excessive materialism both of which had led Russia towards imperialism.

Maulana Ubaidullah Sindhi concludes that the formation of a party is not contrary to the Qur'an, and the Qur'anic view of party, as a vehicle of widespread revolution he says, is in no way different from the philosophical framework of a modern revolutionary party. The origin of a revolutionary party in Islam can be traced back to the Medinite phase of the Prophet's life. He was a political leader, and the companions around him constituted a party of revolution that he wanted to bring forth as a Messenger of God. But the party under him was free from the evils and inadequacies commonly associated with the one-party-regimes of the present-day communist countries. Everything in it, was decided through a process of consultation, and its primary objective was to break the commercial monopoly of the merchant class of Makkah, and fight against the neighbouring Byzantine and Sassanid imperialism. This party system, the spirit with which it originated, was continued under the Pious caliphs, but unfortunately the civil strife's of the early Islamic history closed this revolutionary chapter too soon.

The Islamic socialism envisioned by Maulana Sindhi is not a scientific socialism of Karl Marx. This is essentially a spiritualized version of the Western welfare state. It reminds one of Fabian Socialism in Britain which advocates evolutionary socialization of the means of production and distribution through a democratic process and by educating the masses. He founded the Sind Sagar Party that advocated that politically independent India would be a multi-national confederation. He also founded an academy called *Bayt al-Hikmat*, a theological school that would specialize in evolving a workable synthesis of the Western and the Islamic philosophies of life. Both the party and the academy claimed that they were preaching and practicing the views of Shah Wali Allah.

A Muslim religious scholar of India who truly believed in the wisdom of communism was Maulana Hifz-al-Rahman Sihwarwi, of the Deoband academy. He also draws the ideological geography of Islamic socialism within the traditional framework of the *Shari'yyah*. In 1942, he published his work entitled, *Islam Ka Iqtisadi Nizam* (The Economic

System of Islam), in which he tried to delineate in considerable detail upon the inherent socialistic tendencies of the Islamic law. He contends that pious social order and sound political system are not possible without a righteous socialism. The way economic institutions of a society are structured, in his opinion could make or mar its destiny.<sup>20</sup> He begins his argument by pointing out that social and economic inequality is natural. Islam being *Din-e Fitrat* recognizes this fact, but has provided certain prescriptions by which its evil could be vastly mitigated. The Qur'an, he says, has stressed that it is an economic and moral obligation on the part of the society to see that nobody is unemployed or lives without the means of subsistence. In the message of the Holy Book there is tremendous emphasis on economic Justice. But at the same time, he points out that the economic equality of income, which is the dream of orthodox Marxism.

Islam, according to Hifz al-Rahman, has taken certain positive steps which have a binding legal force behind them, to create an economic equilibrium by which the gulf between the haves and have-nots is narrowed to irreducible minimum. For example, concentration of wealth in the hands of the few is legally forbidden. He, like Iqbal and other Muslim reformers of the day, interprets *zakat* as an institution that forbids every Muslim from keeping more than he actually needs to sustain himself and his family. The surplus that is left above it must go to the state treasury for the general welfare of the community.<sup>21</sup> In other words, the Qur'an creates an economic order in which private enterprise and the public spirit behind collective ownership of land and property are harmoniously blended. A question is often asked if yawning gap in the income levels of various classes is un-Islamic, then the best solution would have been for God to allow men to be born equal. Maulana Sihwarwis' answer to this question is that distinctions created by privileges of wealth and status are tests of human conduct to which God subjects mankind. The privileged and the affluent ones are tested by the manner in which they fulfil their social and moral obligations to their fellow beings. Talent and spirit of enterprise to earn more are gifts of God and community has a share in them. From the Qur'anic precepts, he construes in positive terms that monopoly, which is such an important feature of capitalism, is totally repugnant to Islam, because this is unethical and entails exploitation and manipulation of the financial helplessness of others. In Islamic socialism, he argues, usury, unearned profits, speculation and gambling are completely forbidden.<sup>22</sup>

So far we have discussed only the moral and social responsibilities of the rich and have concluded that they are being tested by God, the



extent to which they are capable of honouring their pledge to deny to themselves the pleasures of luxuriant existence. This, however, does not mean that those who do not possess the privileges of wealth are going to be fed as economic parasites in a Muslim society. They cannot simply be left to thrive of the generosity and large heartiness of others. In their case, poverty is a test of faith and endurance. They are hearkened to strive, to struggle and fight the battle of life with hope and positive action. They are under religious obligation to improve their condition through ceaseless effort. In short, in Islamic Socialism, there is a combination of the generosity of those who are blessed with affluence and hard work of those who are initially handicapped with economic deprivation. Class differences are not to be eliminated by ruthless dispossession of those who possess. The gulf of estrangement that often plunges society into a merciless class struggle cannot be narrowed through classlessness; which, looking into the lessons derived from the records of history only seems a utopia. The gulf of economic disparity, however, can be easily narrowed by the painless process of human understanding, humanitarianism, and a sense of responsibility both among the rich and the poor.<sup>23</sup>

Sihwarwi realizes that the economic system of a society is closely related to its political process. If the political institutions are inadequate or corrupt, economic life of the people is bound to be bankrupt, making the whole society susceptible to exploitation. It is for this reason that Islam has done everything to put up a bulwark against the rise of authoritarian regime or dictatorship. In the theo-socialistic democracy of Islam Sihwarwi believes, there is no room for a dictator, a monarch, not even the president of a republic. In this matter, his views are truly fundamentalist, because he still believes that the institution of Caliphate, on whose abolition Iqbal had expressed such relief and joy, still has sufficient efficacy to handle political and economic problems of the contemporary world. The caliph as vicegerent of God, in his opinion, is entitled to the loyalty of the community as long as he adheres to the laws of the Qur'an and the Sunnah. He argues that if the political philosophy of the Pious Caliphs and the Umayyid caliph Umar bin Abd al-Aziz is replicated, political fallacies of our time will be completely eliminated. To the Caliph who adheres to the laws of *Shari'yyah*, Hafzal-Rahman is prepared to give absolute power and allow him to adopt stringent measures to establish peaceful and healthy relationships between the landlord and the peasant, and act as a supreme arbiter between the industrialist and the worker. He is given the power to pass legislation that would redistribute property on an equitable basis and ban all means of immoral accumulation of wealth. Taxation sanctioned by *Shari'yyah*

would be enforced with the threat of punitive action against the defaulters. The present-day banking system based on modern world of Islam, because the religious doctrine strictly prohibits usury. In the cooperative institutions, Sihwarwi sees a better alternative to banking. In his opinion, there is a limit to private ownership of property in Islam, and the state has the right to own major means of production of goods and services which are critical for the welfare of the community as a whole.<sup>24</sup> But he insists that the Islamic economic theory is totally opposed to fascism. With Marxism, he says, it shares common elements such as liquidation of a privileged class that guarantees social welfare of the people, equality of opportunity irrespective of caste, colour and creed, supremacy of the collective interest of the community over individual privilege, and destruction of class stratification that perpetuates exploitation. He concludes this discussion by saying that there are two areas, however, in which Islam and communism are in complete disagreement. Islam allows private ownership within reasonable limits, and thinks classlessness beyond the realm of practicality.<sup>25</sup>

A surprising thing about Sihwarwi is that with such deep roots in the orthodox tradition of Islam, he still does not seem to denounce communism on religious grounds which is such a common feature of the writings of Iqbal and Maulana Ubaidullah Sindhi. He focuses his attention exclusively on the economic aspects of traditional theories of socialism. He keeps his analysis free from spiritual implications, and concentrates mostly on its materialistic aspects. His overall handling of a difficult subject like Islamic socialism is realistic and clear, but still at places his conclusions are inconsistent. The institution of *zakat* for instance, theoretically is voluntary and according to leading jurists should be left to the dictates of an individual's conscience, but as mentioned earlier, Sihwarwi makes it one of the major responsibilities of the state to enforce it.

### **Qur'an's Economic Paradigm**

The views presented in the writings of the above mentioned leading Muslim thinkers are basically philosophical and are confined mostly to the comparative analysis of some cardinal principles of Qur'anic economics with the modern Western economic systems like capitalism, communism, and socialism. In the present day Islamist thought, however, there is a repeated emphasis, and powerful urge to prove that Islam is indisputable a superior "Third Way" which is free from the discrepancies and fallacies of the Western capitalist and communist systems. Islamists or the Muslim fundamentalist as the media in the West often calls them have taken the discussion of Islamic economics beyond

the realm of abstract theorizing and are seriously planning to make it, a concrete and scientific way of formulating economic plans. Therefore before we turn to the detailed examination of their views, I would be helpful to understand what exactly are the Qur'anic principles of economics and what are their chances of success in a world which is crowded with bewildering financial and economic complexities.

The question whether religion is only a spiritual embellishment and a visa for better life hereafter, or does it have any positive, creative and constructive role to play on shaping the social and economic landscape of human society also, is crucial to every discussion on modern Islam. Focal point in all major religions of the world is spirituality and morality. Their main interest is to provide the followers a catalogue of moral imperatives and certain rites and rituals which are deemed to have inherent potency to deal with matters of spirit which is the imperishable component of human existence. Increasing effort is made to deflate the importance of the material aspects of life, showing that they are temporary and subject to dissolution and disappearance at any moment, while spirit endures and lasts for ever. Some religious doctrines are so suspicious of material and appetite pursuits that asceticism is sought as most coveted objective in life. Men are called upon to shy away from indulgence, too much material acquisitiveness, and insatiable lust for power. According to Muslim scholars, Islam revolted against this nihilistic approach to religion, and tried to create a workable balance between spiritual and material elements in the nature of man.

There is great emphasis on purity, piety, and morality and simplicity in Islam, but at the same time it insists that material pursuits, within reasonable limits are also an exercise in righteousness. It is not a sinful act to build fortunes in this world, provided one does it with a sense of responsibility and an eye on social good and welfare of the community as a whole. The Qur'an has sanctified property, laid down a detailed framework of the laws of inheritance, and made *zakat* an inescapable religious duty. The revelatory injunctions in these matters are broad and couched in general terms, but later Muslim Jurisconsults through the use of Hadith, *ijma* and *ijtihad* tried to give the Qur'anic concepts some semblance of concreteness and practicality. But the social and economic problems of human society are dynamic, fluid and susceptible to change under changed circumstances. As a result of this indisputable historical fact many of the Qur'anic guidelines were abandoned by the Muslims under cultural pressures of different lands which became a part of a sprawling Muslim empire. For instance in the Indo-Pakistan subcontinent Muslims often did not follow the Islamic law of inheritance, and replaced it with local customs, tribal practices, and even borrowed from the

majority Hindu community numerous social habits and customs. All these changes strangled the spirit of Islamic Laws considerably. Lust for property forced many Muslims feudal lords and millions of Muslims to live under slavish subjection's of feudal tyranny. *Zakat*, which was a religious duty, was left to the discretion of the individual believer, who often considered it an act of personal charity. All these indications showed that Islam was being indigenized in India. Similar acculturation and indigenization of Islam took place in other countries, which came under Muslim domination. In this connection, however, we must keep one fundamental fact in mind that though Qur'anic theories were considerably amended to accommodate cultural realities, but in the religious discourses from platform and pulpit Muslims continued to inculcate the Qur'anic precepts as the true way of life. In other words as a religious and moral ideal the spirit of Qur'anic social and economic institutions remained active and alive, although in practice as said earlier Muslims had distorted them a great deal.

### **Free Enterprise**

In the field of Islamic economics, there have been some scholars who have strongly held the opinion that Islam is inherently committed to a *laissez-faire* economy. They point out that centuries before Europe adopted *laissez-faire* as the governing principle of the emerging capitalism and industrialization, during the end of the eighteenth century, Islam had already laid the groundwork of its conceptual framework. Shahrukh has explained the Islamic approach to *laissez-faire* in the following words.

Little has thus far been said about the use of the market in an Islamic system. Smogyi (1967, p.61) maintains the following: "Laissez-faire, which in Europe did not become an economic theory and practice until the eighteenth century, had been Islamic theory and practice as early as the seventh century." The research of other writers, both Muslim and Western, does not indicate an emphasis on the establishment and use of an unhindered market. It has been pointed out that a tradition derived from the Prophet prohibited price-fixing and that jurists condemned practices that might disturb free play of supply and demand. Another saying shows the Prophet to have been against any form of tax on buying or selling, it appears evident, therefore, that the use of the market has been endorsed by Law.

There is hardly any other religion in the world that has laid so much emphasis on material production and human happiness and prosperity as Islam. It has taken every possible step to remove the barriers that hinder productivity in society. It has devised such efficacious instruments as abolition of usury, introduction of *zakat*, and development of righteous worldly attitude among the Muslims, that would increase production. Muslims are told to abstain from asceticism, and are repeatedly

encouraged to pursue professions that add to material wealth of the society. Everything that one does in this world with good intentions and a constructive attitude contributes to his salvation hereafter. Both in the Qur'an and the Hadith there are numerous references to the benediction of God descending upon those who are busy with productive occupations. The Qur'an says: "And when prayer is finished, then disperse through the land and seek of the bounty."<sup>26</sup>

The Holy Book has made the search for livelihood a religious obligation. It says: "And in no wise covet those things in which God hath bestowed His gifts more freely on some of you than on others; to men is allotted what they earn; but ask God of His bounty for God hath full knowledge of all things."<sup>27</sup>

The Prophet in his sayings has also called upon his followers that under no circumstances they should abandon lawful livelihood, because it is an act which is very dear to God. After *ibadat* trade or commerce is deemed to be the most righteous pursuit in human life. The Prophet once remarked, "earning of lawful livelihood is a duty only next in importance to the duty of prayer" or "when you finish your morning prayer do not sleep until you strive for your livelihood."<sup>28</sup> There is also another famous Tradition of the Prophet which applauds trade even in more laudatory terms. He said, "The truthful, honest merchant is with the prophets and the truthful ones and the martyrs."<sup>29</sup> Maxime Rodinson has listed some more Traditions of the Prophet that say, "The trustworthy merchants will sit in the shade of God's throne at the Day of judgement".<sup>30</sup> Merchants are messengers of this world and God's faithful trustees on earth." "If thou profit by doing what is permitted, thy deed is a Jihad".<sup>31</sup> It has also been recorded that the Prophet's companions and his immediate successors who presided over the destiny of the community as Pious Caliphs had a deep-seated desire to indulge in trade and commerce. It is said about Umar I that he once remarked, "Death can come upon me nowhere more pleasantly than when I am engaged in business in the market buying and selling on behalf of my family."<sup>32</sup> Rodinson in an effort to further strengthen his argument in defence of Islamic economic system in his treatise on Islam and argument in defence of Islamic economic system in his treatise on Islam and capitalism has tried to establish two very important points. First he says that Marxian economics is totally inapplicable to the developing economies of Muslim countries. Second, he refutes the contention of many Western observers that Islamic ethics in contradistinction to Protestant ethics is hostile to the rise of indigenous capitalism. He does not believe that Islam is antipathetic to rationality. In his opinion, Islamic doctrine is more

rational than Christianity or Judaism. He believes that excessive fatalism, and the irrational laws practiced among Muslims were a product of historical circumstances and had nothing to do with Islam.

There is no difference of opinion, among Muslim scholars belonging to any school of religious thought that Islam has ordained its followers in unmistakable terms that they must earn income to fulfil their obligation in material and spiritual spheres of life. Since income is not entirely meant to facilitate worldly pursuit and only guarantee physical comforts of men and women. Muslim Jurists have dwelt particular category is legitimate from the Islamic point of view. The following four categories are the ones which are generally highlighted in the religious literature.

**(i) Obligatory**

Each able-bodied believer is expected to earn sufficient income to support himself and his family. It is his religious duty to provide for the basic needs and pay back the debts. Islam has cursed beggary as a social evil, and to develop an income earning capacity is the only way an individual could protect himself against it. Moreover, self-sufficiency resulting from earned income ensures dignity, honour and integrity of man.

**(ii) *Mubah* (Commendable Income)**

This is a surplus income that one earns over and above what he needs to meet the basic necessities of his life. In fact, Muslims are encouraged to earn more than what they need because in this way, they could help the poor in society and could also provide material assistance to their less fortunate relatives. It is considered an act which is equivalent to prayer and *jihad*. It is a source of better spiritual rewards than non-obligatory prayers.

**(iii) *Makruh* (Permitted but discouraged income)**

It is also a surplus income, but it gets tainted if instead of using it for helping the widows, orphans, people under debt, and others who are handicapped and incapacitated in any other way, the individual concerned uses it for ostentatious living, additional physical comforts and luxuries of life. A surplus spent on such items is certainly questionable from the religious points of view and is therefore forbidden.

**(iv) *Rizv Haram* (Unlawful Income)**

It is an income which has been earned through oppression and exploitation. An income by way of *riba* or unhealthy competition is forbidden in Islam. Moreover income is spent in generating waste, vanity

and arrogance is also unlawful in Islam, even if it has been earned through legal means.

### Property

The above mentioned verses of the Qur'an and the Traditions of the Holy Prophet provide an eloquent indication that private enterprise is not only permitted but has been made obligatory from the economic health of the society. Those who have argued against socialism have found additional evidence in other institutions which constitute the crux of the Islamic system of economy. The primary thrust of all shades of socialist doctrines is to liquidate property from human life. In the vocabulary of socialism, it is labelled as theft or crime. In Islam, on the other hand, property is allowed, although it is subjected to a serious ethical regimentation. Instead of conferring absolute right of ownership on the property holder, it makes him a trustee with unmistakable accountability before God concerning the use or abuse of this property. This approach synchronizes completely with Islam's deep commitment to *al-Adl*. The Qur'an says, "Lo Allah enjoined the *al-Adl*."<sup>33</sup> To fulfil this commitment, it has turned absolute possession into trusteeship by declaring that "Allah's is the heritage of the heaven and earth."<sup>34</sup> This is further emphasized when the Qur'an says, "And spend where he hath made you trustees."<sup>35</sup> Therefore, Islam avoids both private as well as state ownership of property in society. In other words, so far as property as an economic agent is concerned, Islam repudiates both capitalism and communism. *Al-Adl* which is the ultimate goal of an Islamic society can be achieved only if the share of the poor in the wealth of the rich is guaranteed by law. The Qur'anic injunction in this matter is "In their wealth, the beggar and the out cast (i.e. the destitute) have due share."<sup>36</sup> Nawab Naqvi's contention is that this right is retrospective, and the Divine Justice demands that even the past economic injustice, which has been instrumental in perpetuating poverty needs to be rectified.<sup>37</sup> In his opinion, the conceptual framework of trusteeship mitigates the evils of monopoly and unlimited profiteering that are traditionally associated with capitalism as enunciated by Adam Smith, Bentham and others, and safeguards humanity against the rapacity of state ownership that highlights the thinking of the proponents of Marxism-Leninism.

Profit maximization is not prohibited in Islam, but *al-Adl* puts a plateau at the amount that one could hold in this regard. The purpose is to provide a society with an antidote against excessive exploitation through monopolies. Under capitalism as well as communism, there is always a potential threat of dictatorship, and Islam is ideologically

geared to “non-dictatorship” approach in economic planning. An individual’s right to shape his own destiny is acknowledged as inviolable, but morally compulsive “voluntarism” puts up a safeguard against the abuse of this right. Betterment of the lot of the underprivileged is a supreme ethical necessity for the general good of the society.<sup>38</sup> The Qur’an says, “Wealth and children are an ornament of life of the world. But the good deeds which endure are better in the Lord’s sight for reward and better in respect of hope.”<sup>39</sup>

The laws of inheritance as embodied in the Qur’anic injunctions are a clear manifestation that individuals in society are allowed to own property otherwise such an elaborate and magnificent scheme about the laws of inheritance would have carried no meaning. The laws have been universally admired for their judiciousness, and seem to have been formulated with a keen eye on the general welfare of the community. F.B. Tyabji says:

The Muslim law of inheritance has always been admired for its completeness as well as the success with which it has achieved the ambitious aim of providing not merely for the selection of a single individual, on whom the estate of the deceased should devolve by universal success but for adjusting the competitive claims of all the nearest relatives.

And Sir William Jones once remarked, “I am strongly disposed to believe that no possible question could occur on the Muhammadan law of succession which might not be rapidly and correctly answered.”<sup>40</sup> Over and above the legal clarity, a tremendous sense of equity and judiciousness that characterize the Muslim law of inheritance has been acknowledged to have some far-reaching economic ramifications. By insisting on equitable distribution of property, it cuts at the very root of capitalism, which has such deep-seated tendencies towards the concentration of wealth. It provides an opportunity for all the dependants of a deceased person to have something in hand by which he can start his career. Contrary to this, in countries where the law of primogeniture prevails, wealth is always inherited by the eldest son. In other words, Islamic law facilitates the circulation of wealth. Occasionally, however, this law is criticized that it leads to fragmentation of moveable and immovable property and this makes it less profitable. There is ample justification for such criticism, but this imperfection could be remedied by some kind of cooperative farming which could be far more gainful and beneficial for the common good than the total domination of a single individual.



### **Hoarding of Wealth**

The Qur'an has also laid down severe restrictions on hoarding. This shows that it realizes the inherent acquisitiveness of human nature, and the insatiable appetite that men have for collecting wealth. If the economic system of the Qur'an had been socialistic it would have abolished it completely. But it confines its injunctions only to a reprimand for those who are cursed with a hoarding instinct. They are administered a warning that in the eyes of God, hoarding is an economic vice that tends to perpetuate poverty and permanently disables the poor from deriving full benefits from the collective wealth of the society. Much before the dawn of today's economic systems, the Qur'an took notice of this evil and hearkened its followers not to amass wealth if it was not going to be spent and circulated in the interest of the community. It says, "And let not those who hoard up that which Allah has bestowed upon them his bounty think that it is better for them, nay it is worse for them."<sup>41</sup> In another passage it states, "They who hoard up gold and silver and spend it not in the way of Allah unto them give tidings (O Muhammad) of a painful doom."<sup>42</sup>

### ***Zakat and Riba.***

The two most critical dimensions of Islamic economic system are *zakat* and *riba*. Both are firmly established by divine injunctions, and are listed as a part of the basic religious duties. A close examination of the both of them would also show that they are meant to facilitate circulation of wealth and put serious curb on monopoly and exploitation, which emerge automatically where regimented accumulation of wealth is unregimented.

*Zakat* and *riba* constitute the cornerstone of economic structure of Islam. No matter to which particular school of thought a Muslim religious reformer belongs; whether he is in favour of capitalism or socialism, his discussion on the economic planning of an Islamic system must investigate in depth the meaning of these two institutions. *Zakat* is a mandatory deduction from the total wealth of an individual, and entails a lot of blessings for the donor, while *riba* is a usury or an interest that is totally prohibited and in the traditional orthodox Islam is listed as a gravest of economic sins. Practice of one and avoidance of the other have been considered by the Jurists to be the surest guarantee for the social and economic health of a Muslim society. Therefore, it is in the fitness of things to have a synoptic view of both of them and the implications they have for the material and moral welfare of the people.

The term *zakat*, according to scholars of Arabic language, is derived from two different roots. According to one root, its English translation would be “to be pure” or “to be pious.” In the literature it has also been used to signify virtue and the Qur’an has applied it to indicate, “the giving of a pious gift.” In other words, *zakat* is a material instrument by which spiritual purification is accomplished. Even a cursory reading of the Qur’an is sufficient to convince any reader that *zakat* is one of the basic pillars of the faith. Wherever injunction is given about *salat* it is always accompanied with *zakat* with equal emphasis, and negligence of any of the two is considered a sacrilege. In the beginning *zakat* was mandatory and was incorporated as a part of the state taxation system. With the passage of time however, it became voluntary. Some completely abstained from paying it while others paid at will to whom so ever they liked. These developments strangled the spirit of *zakat* and the economic system of Islam, which was meant to narrow the income gap among various segments of society received a serious setback. Therefore most modern advocates of Islamic socialism have laid great emphasis in reintroducing *zakat* as a compulsory tax, collected strictly according to religious canons and distributed among those who have been specially mentioned in the Qur’an to receive payments from, this collection. Their opinion, private or voluntary dispensation of such a mandatory religious obligation is un-Islamic. Every Muslim man and women must pay *zakat* and this must be collected by the state. A well-knit organization or agency of the government could take care of it, and distribute it strictly according to the accepted laws of *Shari’yyah*. The Jurisconsults of Islam have elaborated at a great length on the collection and distribution of *zakat* and have come to the same conclusion that its collection is a state responsibility and money thus collected could not be used for any other purpose except the one narrated in the Qur’an and Sunnah of the Holy Prophet. Poor, permanently handicapped, orphans, widows, and wayfarers are legitimate recipients of *zakat*. During the time when slavery was practiced in Muslim societies, a portion of *zakat* money was allocated for slaves to buy freedom. A verse in the Qur’an has explained this matter as follows:

Whatever Allah has resorted to his Apostle from the people of the town, it is for Allah and for the Apostle and for the near of the kin and the orphans and needy and the wayfarers so that it may not be a thing taken by turns among the rich of you only.<sup>43</sup>

Thus *zakat* if properly administered becomes a vital instrument for the circulation of wealth. It is a safety valve against the evils of hoarding wastage and extravagance. According to Islam, all the needy men and

women have a share in the wealth of the rich. "And in their wealth is the right of him, who asks, and him who is needy."<sup>44</sup>

Khalifa Abdal-Hakim a Pakistani Muslim scholar has summed up his views about the nature of the Qur'anic economic philosophy in the following words:

National wealth is like blood in an organism; it should not create plethora in on one part, and atrophy in another part — Islam desired to mould the economic life of society in such a manner that antagonistic class-divisions of millionaires and paupers should not come into existence. The Prophet did not approve of private dispensation of charity and he envisioned a state of affairs in which a person would walk through the land with charity to offer but would find none who would receive it.<sup>45</sup>

It creates in man excellences like selflessness and a spirit of sacrifice. The other root links it to a verb which means "to grow" and "to increase" and thus *zakat* would be explained by saying that it increases Gods' blessings, and is a key to material prosperity in this world and guarantees a rich spiritual harvest hereafter. *Zakat* is always levied on the total assets of an individual and not merely on his income. The Qur'an did not spell out in concrete terms some of the details about *zakat* but Jurists of Islam evolved a comprehensive legal framework for it, laid down the minimum and put a condition that the taxable assets must be in possession of an owner at least for one year. There are certain items, which are exempt from *zakat*. It is collected only from Muslims.<sup>46</sup>

It is significant attribute of the Islamic doctrine that a Muslim has a religious obligation both to God and man. His duty towards God is discharged through prayer, while his responsibility toward his fellow beings is fulfilled by compulsory alms. The Qur'an is very specific in saying, "And in whose wealth there is a right acknowledged."<sup>47</sup> Shaikh Mahmud Shaltout, a one time member of the Grand Council of ulema in Egypt says, that *zakat* "is a fiscal worship which Islam requires the well-to-do to care for the needs of the poor. It is a sacred duty incumbent upon the rich to pay out of their possessions in excess of their requirements and those of their dependants, portions which are universally recognized by Muslims as fair and which in the aggregate meet the needs of the poor and the general interests of the community without adversely afflicting the owners."<sup>48</sup> Shaikh Shaltut further adds that worship through this religious tax is a potent weapon in promoting the welfare of the society as a whole.<sup>49</sup> It links the rich and poor in a bond of a common destiny, reduces class bitterness and blankets human relations with a spirit of cooperation. It is a safeguard against the emergence of monopolies, and protects the common people from those petty tyrannies that are often produced with the accumulation of wealth in fewer hands. Wealth, unless

it is regulated by certain ethical standards can easily become the narcotic of the human mind. In Islam *zakat* is a vital defence against the corrupting influences of wealth. Negligence with regard to this religious duty can erode the foundations of all the main pillars of Islam.

By linking *salat* and *zakat* so closely, the Qur'an has provided ample testimony to the fact that how much attention it intends to pay to the sanctify and dignity of human rights. Putting these two institutions together, Islam has further demonstrated that in a Muslim community, both spiritual and material aspects of its existence are to be understood in terms of the collective interest of the community. In examining its benefit, there is one fundamental fact that needs to be kept in mind; and that is that *zakat* is not a state-sponsored institution to produce beggars and parasites. It is to be effectively used as a leveller of economic inequalities and a promoter of opportunities that would enable the financially handicapped to find an honourable and satisfactory source of income for themselves. A Pakistani economist has summed up the importance of *zakat* and its importance in the economics of Islam in the following words:

There is the institution of *zakat* which is a tax not on income, but on all accumulated wealth. It is a unique tax and there is nothing to correspond with it in other systems, religious or economic. It was Islam's device to tackle the problem of social security. The objects on which *zakat* is to be spent are mentioned in the Qur'an, but the Caliph Umar I thought a certain latitude was possible in the objects on which *zakat* could be spent.<sup>50</sup>

The orthodox circles of Islam have been insistent for centuries that the scope of *zakat* cannot be expanded because it has been clearly spelt out in the Qur'an. But even if *zakat* is institutionalised strictly in the Qur'anic way, the accumulated funds which the government at the rate of 2-1/2 percent on total wealth of an individual would collect from all Muslim citizens would be large enough to go a long way in solving many economic and social problems of a modern Muslim society. Even its existing scope is wider than all the social security systems of the west because the benefits of *zakat* are extended even to the way fares.<sup>51</sup>

In Modern times, Saudi Arabia has provided a lead to the rest of the Muslim countries in the rigorous imposition of *zakat*. According to Saudi law, *zakat* is applicable to all earnings, including profits, capital gains, wages, salaries and incomes derived from self-employment. It is legally due both from the individuals and the companies. Even Saudi holdings in non-Saudi companies are subject to this law. The *zakat* from the company is calculated on the basis of paid-up capital, plus reserves and annual revenue. The running costs, the cost of fixed assets and depreciation, however, are exempt from this levy. *Zakat* is levied at the

flat rate of 2.5 percent per year. There is no progressive element in this kind of taxation. It is free from the technicalities, legal subtleties and complexities commonly associated with the Western notion of Income tax. There are no such rules as tax thresholds, increasing marginal rates of tax, which push taxes up proportionately with income. One cardinal excellence about *zakat* is that both the rich and the poor contribute towards it, which generates unity of purpose in the community. Everyone gets interested in its expenditure, and this factor generates awareness, and a sense of solidarity among the people. In the implementation of the law, the Saudi government has introduced a practice that allows the state for the present to collect only half of the tax due from individuals and the private companies; the other half of the people are allowed to spend personally among the poor. The public companies however, pay the full rate. The government also takes special care to spend the money collected through this religious tax only on projects specified in the Holy Book. For instance, nothing from *zakat* is used for military expenditures.

Among all the fiscal instruments that Islam devised to protect the poor from economic exploitation, *riba*, or interest, in recent years has been the most controversial subject among religious scholars in every part of the Muslim world. The problem of interest however, is not confined to Islam alone. Every philosophical discipline or religious doctrine that has to deal with economic planning encounters this issue and opinions are sharply divided on it. But the available evidence shows that in every age a vast majority of people have condemned usury, because it allows the few rich to amass wealth at the cost of helpless poor. A special class of the wealthy called the money-lenders existed in every society who, like leaches, sucked its economic vitality. Therefore, when Islam emerged as a complete code of life, it could not ignore such a critical dimension of the economic organization of the society. It is said that verses in the Qur'an that relate to *riba* were revealed during the Prophet's stay in Medina, as such probably were meant to condemn the Jewish economic practices.<sup>52</sup> The Qur'an has given this issue a very serious consideration, and discussed it at various places in extremely lucid terms. It points out "Those who devour interest shall not rise again except as one who has been prostrated by Satan with his touch, because they say: "Trading is like interest" God has permitted trading and forbidden interest. Whosoever receives his admonition from his Lord and gives over, he shall have his past gains and his affair is committed to God but whosoever reverts, those are the inhabitants of the fire."<sup>53</sup>

Some of the important verses of the Qur'an in which *riba* has been forbidden with unmistakable emphasis are as follows.

Those who swallow usury (interest) cannot rise up save as he ariseth whom the devil hath prostrated by (his) touch. That is because they say, trade is just like usury whereas Allah permitteth trading and forbideth usury. He unto whom an admonition from his Lord cometh, and (he) refraineth (in obedience thereto), he shall keep (the profits of) that which is past and his affairs (henceforth) is with Allah. As for him who returneth (to usury) — such are rightful owners of the fire. They will abide therein.<sup>54</sup>

Allah hath blighted usury and made alms-giving fruitful. Allah loveth not the impious and guilty.<sup>55</sup>

‘O ye who believe! Observe your duty to Allah and give up what remaineth (due to you) from usury, if ye are (in truth) believers.<sup>56</sup>

And if ye do not, then be warned of war (against you) from Allah and His Messenger. And if ye repent, then ye have your principal (without interest). Wrong not and ye shall not be wronged.<sup>57</sup>

O ye who believe! Devour not usury doubling and quadrupling (the sum lent). Deserve your duty to Allah, that ye may be successful.<sup>58</sup>

And of their taking usury when they are forbidden and of their devouring people’s wealth by false pretences. We have prepared for those of them who disbelieve a painful doom.<sup>59</sup>

That which ye give in usury in order that it may increase on (other) people’s property hath no increase with Allah; but that which ye give in charity, seeking Allah” Countenance, hath increased many fold.<sup>60</sup>

Most Muslim scholars, particularly those who are closely associated with the present-day Islamist movements in the Muslim world are unequivocal in their denunciation of *riba*, and contend that interest in any shape and form is forbidden. In the question of *riba*, however, we must keep a fundamentalist point in mind that over and above the condemnation of usury as depicted in the Qur’an, the later Jurisconsults of Islam expanded the scope of *riba*, and included any money that was tainted with doubt as illegal and forbidden. Atiya Ruby has explained this widened scope of *riba* in the following words:

*Riba*, however, has been given a considerably wider connotation in *fiqh* than what the term interest conveys. Interest refers to what has been termed as a *riba al-nasiah* or *riba al-jali* or *riba al-duyam*. This is the kind of *riba* that is covered by the Qur’anic *ayah*. However, the sunna has also emphasized other aspect of *riba* generally termed *riba al-fadl* or *riba al-khafi* or *riba al-buyu*. This form of *riba* covers all forms of economic injustice, exploitation and unearned income (other than that like inheritance and genuine gifts, allowed by *shari’yyah*. According to the Holy Prophet a Muslim could indulge in *riba* in a number of ways. That is why Caliph ‘Ali felt inspired to say that ““You should abstain from *riba* as well as *ribah*.” *Ribah* is from *rayb* which literally means doubt and refers to any income which has the semblance of *riba* or which raises doubts in the mind about its righteousness. It covers all income which is derived from injustice and exploitation of others!

Other than lending and banking, Muslim Jurists have also noticed the possibility of *riba* in the agricultural sphere of the economy also. The books of Hadith have recorded the practice of *Muzabana* and *Muhaqala* would also be classified as a *riba*. Imam Malik in *Mawatta* has narrated the following two Hadith which explains *Muzabana* and *Muhaqala*:

Abd Allah Ibn Umar related that the Prophet had forbidden *muzabana*. It was the sale of raw fruit still on the fruit trees, for ripe fruit of certain weight or measure, or it was the sale of raw dates for ripe ones of a certain weight; or the sale of raw grapes for raisins of a certain weight.

Abu Sa'id al-Khudri says that the Prophet had prohibited *muzabana* and *muhaqala*. *Muzabana* is the "purchase of (ripe) dates of fruit for (unripe) dates or fruits which are still on the trees" and *muhaqala* is "lease of land for wheat" (i.e. for a share of the crop, or other grains or in kind). In other Hadiths, *muhaqala* is explained, first as a purchase of standing crop for wheat and, secondly, as lease of agricultural land for wheat.

The controversy about interest is not new to the discussions about Islamic ideology. It started very early in Islamic history and Jurists often wondered what kind of *riba* had been forbidden by the Qur'an. In the past the matter, however, was not of such a vast significance because economic transactions were of a very limited character, pertaining only to consumer loans which religious scholars always considered should be interest-free because it resulted in gross injustice to the poor. Since the beginning of this century, controversy has become intense, serious and far-reaching in its implications because an industrial economy has developed in a free-market is entirely based on interest capital formation though savings has become the heart of capitalism, and savings of the depositors are always guaranteed a fixed rate of interest. In recent years scholars who are interested in the framework of Islamic economy have developed a typology of *riba* in which it has been divided into sub-categories, showing which particular *riba* is allowed by the Qur'anic injunctions and which ones do not transgress the divine commandment. Shahrugh Rafi Khan has summed up this categorization in the following words.

The controversy in its contemporary form involves the sub-categorization of interest itself. The modernists equate *riba* merely with interest on consumption loans, on the grounds that the Qur'an intended to prevent the exploitation of the economically weak and discourage excessive consumption. Furthermore, it is argued that seventh century Arabia knew mostly loans for consumption or distress purposes and not for productive ventures. Orthodox writers, however, go to some length to argue this contention a fallacy. Finally, it is asserted that only interest of an excessive kind amounts to usury and that the Qur'anic references to "doubling and redoubling" of the principal applies to them. According to the orthodox view, this notion can lead to arbitrariness, and in any case, they argue that all forms of interest are banned. The most widely used argument to support this stand

is the verse of the Qur'an that is interpreted to explicitly suggest the recovery of only the principal.

*Riba*, an Arabic term, means something that an individual gets over and above the principle sum that has been lent. Just as charity unseals humanitarianism and sympathy, *riba* annihilates them. Charity heals social wounds, while *riba* multiplies misery and encourages those who possess to further dispossess those who already are struggling to survive. It is for this reason that Muslims are warned against *riba* and those who accept it have been compared to the disciples of Satan. Like the rest of the economic institutions, the main purpose of Islam is to forbid people to take *riba* is to reduce the scope of the mal distribution of wealth in a Muslim society. Any principle or practice that increases poverty is repugnant to the religious doctrine of Islam, and the Prophet of God is said to have remarked that poverty brings a person near "*Kufr*."<sup>61</sup>

The interpretation of the term *riba* has given rise to acute controversy among religious scholars of all shades of opinion. The legal history of the term shows that prohibition of *riba* was meant to put up defences against excessive exploitation which often resulted in debt enslavement. Sometimes if the debtor asked for the extension of the repayment, the creditor would double the amount. *riba* originally pertained to this kind of economic tyranny. With the passage of time, the scope of the term was extended and it included all kinds of interest. In recent years, Muslims in many lands have made serious efforts to introduce interest-free banking. In many Iranian towns, merchants and ulema combined to establish Islamic banks. In these banks, money was contributed and then lent out in small amounts to the needy for such purposes as wedding expenses, opening a business, etc. The maximum loan given was \$375 for fifteen months. No interest was charged on such transactions.<sup>62</sup>

The sudden increase in the revenues of the several Muslim states has made the question of *riba* even more critical. The galloping increase in the oil revenues have helped many Muslim states to undertake ambitious economic plans, which have forced them to establish close economic ties with the capitalist countries of the West. As a result of all this, Muslim scholars have been making hectic efforts to find convenient and feasible methods by which interest-free Islamic economic principles could be reconciled with the capitalist economic system which rests solely on interest. In 1976, a meeting of the Muslim economists from some twenty nations was held in Makkah. And after six days of deliberations, it was found "That Islam had the ability not only to survive in today's world, but also to supplant both capitalism, and communist economic systems." The Conference was held at a time of growing



confidence among Muslims due to the wealth that oil-exporting countries had accumulated. The most crucial problem before the Conference was the issue of usury, because under contemporary economic conditions its gravity has increased manifold. The interlinked economic progress of the world depends heavily on interest charged by the banks. The Conference could not arrive at any definite conclusion, and the conferences agreed to hold further discussions, and experimentation with interest-free banking. The issue, however, is still far from being resolved. During his term as Mufti of Egypt, Muhammad Abduh had legitimized interest on savings by his *fatwa*. In his opinion, saving was a prudent economy. He tried to distinguish between usury and investment. Usury, in his opinion, was exploitation, while today's savings in banks were investment and profit on them was allowed by religion. The thesis behind all this was that any practice which was not repugnant to the overall spirit of the Qur'anic ethical ideals was legitimate.

Since Islamic laws on usury have far-reaching implications for development finance, economists in Muslim countries have been deeply involved in devising means and methods by which without in any way polluting the spirit of the *Shari'yyah* in this matter, a way could be found to bring Muslim economies in line with the economic thinking of the rest of the world. The urgency in this direction arises out of the fact that the Muslim world could not exist as an economically self-sufficient oasis in a global set-up in which the economies of the rest of the countries were vastly interdependent. Saudi Arabia being the leading Muslim state, where strict adherence to the laws of the *Shari'yyah* is overwhelmingly emphasized in every sphere of national activity, has made some experimentation in this direction which could provide some pertinent guidelines to other Muslim countries which are encountering similar problems. In Saudi Arabia, the Central Bank is forbidden by royal decree from taking or granting interest. This ban however, is restricted only to its dealings with the Muslims. The bank is allowed to accept interest on the assets held in non Muslim countries. It can charge interest even on securities held from foreign governments. Similar flexibility has been introduced in private commercial banking systems. A distinction is made between a personal loan and a loan taken for the business. On personal loans, no interest is payable, while all business loans are subject to service charges. But it would be wrong to construe that by introducing this flexibility the impact of the Islamic laws of usury has been completely mitigated. Rodney Wilson, a British economist has made the following remarks:

Despite this flexibility it would be wrong to conclude that Islamic usury law had little effect on monetary and credit policy, but its effect on economic

activity in general is, perhaps surprisingly, favourable rather than detrimental. Interest rates are not used as an instrument of monetary policy as much as in the West and service charges on loans are seldom changed. This results in a greater climate of monetary stability, which undoubtedly encourages local investors as they can predict with confidence the cost of their borrowing.<sup>63</sup>

### **Natural Resources**

Relying upon the general spirit of the Islamic approach to science of economics and the notion of economic welfare in a Muslim society, Jurists of Islam conclude that natural resources existing in a particular Muslim society constitute a gift from God to society as a whole. Therefore any financial benefit that accrues from them should never be privatized, or be handed over as a monopoly to a group, a class or a tribe. It is a gift to nature, all members of the community are heirs to it. It does not matter who manages these resources. The normal tendency among economists is that if any source of revenue belongs to the nature it should be owned by the state. Dr Umar Chapra, however, made the following observation:

The acceptance of this principle does not necessarily restrict the management of these resources to the state alone. Whether the state or private enterprise should manage the exploitation of these resources should be determined by the criterion of efficiency. However, even if private enterprise is to manage and operate these resources the profit derived by it should not be more than what is justified by the services rendered and efficiency attained.<sup>64</sup>

### **Taxation**

From times immemorial, taxation has been one of the primary sources of state revenues, because very few states have been fortunate enough to have sufficient income from natural resources to eliminate the need of taxation. Small oil-rich Skeikhdoms of the Middle East are the only cases in modern history, where rulers have such vast funds available from the oil, that they don't feel the necessity of subjecting their subjects to any other tax to meet the growing financial needs of a developing country. But this phenomenon has happened in Islamic history for the first time, and is confined only to a handful of Muslim states. The result is Muslim kingdoms have always turned to taxation as an indisputable economic necessity, and since it has been the case from the inception Islam, Muslim Jurists were compelled to work out its details with great care and anxiety. Therefore state's right to tax has never been challenged, provided taxation policy is rooted in Justice, and people have the capacity to pay these taxes. A saying attributed to the Holy Prophet states, "in your wealth there are also obligations beyond the *zakat*."<sup>65</sup> Similarly Muslim Jurists in their search for universal social good have

evolved a fundamental principle that "a small benefit may be sacrificed to attain a larger benefit and a smaller sacrifice may be imposed in order to avoid a larger sacrifice."<sup>66</sup> Allama Marghinani and Imam Abu Yousaf wholeheartedly support state's right to tax, but at the same time insist that taxes ought to be just, rational and honestly committed to public good. A tax system which is oppressive has always been source of great agony for the people, and it is because of that, tax collector is always considered among the most hated public officials in a state. Taxes should be collected with tact and grace. An oriental sage once remarked that a tax collector should be like a bee which collects honey from the flower but does not destroy it. In Islam all rightly- guided caliphs like Hazrat Umar, Hazrat Ali, and Hazrat Umar Ibn Abdul al-Aziz specially stressed the need that tax collection always be considered a delicate affair, and imposition of a new tax must be guided by the ability of the people to bear the new burden.

All devotees of modern Islamic resurgence, however, are expected to bear in mind the fact the Qur'an and the Sunnah of the Holy Prophet did not provide any comprehensive tax system. Both sources talk about the ethical basis of taxation. The actual tax system as what to tax and how much to tax was evolved by later Jurists. Even principles of taxation evolved by Jurists could not be operational and effective universally, because overtime the sociological composition of the population used to change, peoples ability to bear tax-burden used to vary, taxable commodities also tended to change, and above all the needs of the state changed from one region of the Muslim empire to another, and the attitudes of the ruler were also subject to great fluctuation. Therefore tax laws by their very nature have to be in a state of constant flux and all tax policies have to be progressive and dynamic. Modern Muslim economists in the light of changed circumstances can propose all kinds of tax changes, provided whatever they suggest is kind, humane, just and free from any possible oppression and tyranny.

### **Borrowing**

From the point of Islam borrowing is unquestionably the most difficult element of Muslim financial theories. It can often happen that an Islamic state even after it has collected revenues from, all the legitimate sources, it may still run short of funds to meet the galloping financial needs of a modern state. Under these circumstances it would be left with no option except to borrow from other states or big multinational finance corporation. The biggest snag in such a transaction would be that Islam has forbidden interest completely and modern financial institutions are tied deeply to interest. An interest-free economy both at the national and

international level at present seems to be beyond the realm of possibility. No international lending agency like the World Bank, or country or private banking institution is going to lend you the money without interest. To some extent the problem could be solved by floating income yielding projects, which could facilitate to raise some extra money by profit sharing. The scope of such schemes, however is very limited. The only way in a modern Muslim society an extra money could be raised is if in the private sector the rich Muslims are so enthused and inspired by Islamic ideals that they are prepared to forego their share of the profits. Dr. Chapra say, "In modern acquisitive Muslim societies imbued perhaps more with hedonistic ideals of economic man as conceived by Adam Smith rather than by the altruistic teachings of Islam, and with continuous erosion of the real value of savings because of the high rate of inflation, it may be expected that borrowing without any return may tend to be unproductive unless it is made compulsory."<sup>67</sup>

No discussion of Islam and its economic future can be complete without at least a brief reference to the position of agriculture in a truly Islamic economy. In Marxism, land and industry both are nationalized; but Muslim theologians and reformers have serious difference of opinion about the possession of land. In most of the Muslim countries, the basis of the economy is still agriculture, and they are still plagued with archaic and tyrannical feudalism. The result is that in the recent revivalism of Islam considerable attention has been focused on land reforms. Therefore, religious scholars in every Muslim country have taken great pains to clarify Islam's position on this vital issue. But in spite of their best efforts, they have not been able to evolve any consensus about it. In general, there are two schools of thought and proponents of both of them have used the Qur'anic text as a testimony to support their diametrically different contentions. Scholars who think feudalism to be one of the biggest hindrances to economic development and social justice argue that the Qur'an has advocated abolition of Landlordism completely. They refer to the Qur'anic verses in which Moses tells to his people. "The land belongs to Allah. He makes whomever he willeth of his servants inherit it." And at another place in the Holy Book, God tells his Messenger to say, "He set up on it (the Earth) mountain peaks above it, and bestowed blessing on it, and decreed in it its various foods in four days, equally to those who ask." Iqbal and Ghulam Ahmad Parvaiz, two of the leading religious thinkers of Pakistan, are convinced that land belongs to God and man's possession of it is only indirect.<sup>68</sup> Maulana Maududi on the other hand has also used similar Qur'anic evidence to prove that private ownership of land does not contravene any law of *Shari'yyah*.<sup>69</sup>

The Qur'anic principles explained above, is the only package of economic institutions that has been mentioned in the sacred text and the Sunnah of the Holy Prophet. It is very broad-based manifesto of economic planning, and some of the principles are in the form of general ethical ideals, which create wide room for controversy and difference of opinion, which have disabled religious scholarship in Islam to evolve a consensus about any pragmatic economic theory, which would have the ability to comprehend all contemporary economic difficulties and dilemmas, and resolve economic-related social, moral and political issues without some moral and mental reservations.

Since the inception of Islamist movements in the 1960's, the world of Islam has been in a state of serious spiritual and moral commotion. The leaders of these movements are intensely committed to the implementation of the laws of *Shari'yyah* in all spheres of national activities. It is obvious that the economic sphere being very critical for the welfare of the common people has attracted lots of attention from them. They also realize that economic well-being has a deep bearing on the political stability and the ethical climate in society. Moreover in the contemporary economic systems, as noticed earlier, they find many elements which are patently contrary to the rules of *Shari'yyah*, and in their opinion unless these glaring deficiencies are removed, Islamization of a modern Muslim society could not be accomplished. In view of these facts, many Muslim scholars and statesmen have moved from broad philosophical discussions of Islamic economies and are making systematic efforts to evolve an institutional framework which would fulfil the requirements of *Shari'yyah* as well as be strong and efficient enough to handle complex economic and fiscal problems of modern times.

It would be helpful if we summarize the ideas of some leading Muslim intellectuals, economists and politicians who have been able to develop an Islamic "Third Way" theory, showing that the economic laws of the Qur'an, accompanied with the Sunnah of the Holy Prophet, have the ideological strength to meet the present day challenges, of universal economic opportunity, social welfare, management of inflation, control over recession, interest banking money supply, mechanized farming, and numerous other social and political matters which could only be handled successfully if the society is economically viable.

There are certain Muslim scholars who believe that Islamic economic system is inherently socialistic. They contend that although the term socialism is not used in the Qur'an, and even the leading Jurists have not elaborated the complex theoretical framework of socialism as it

is understood today, the fact of the matter is that the laws and principles that modern socialism preaches could easily be operationalized in a Muslim society without in any way injuring any of the fundamental rules of the Qur'anic ideology. An Arab scholar, by the name of al-Kawakebi, is totally convinced that the Islamic system judged by any standard is undeniably socialistic in essence. In his work *Taba-i al-Istibdad*, he devotes a special chapter on despotism and wealth. In it he has tried to prove that both Christianity and Islam preach socialism. In his opinion, the economic system formulated by the Pious Caliphs was socialistic, because it castigated accumulation of wealth in the hands of the rich as extremely detrimental to the welfare of the community. He mentions *zakat*, *ushr*, and all kinds of charities that are obligatory for the rich as positive safety valves against economic exploitation, and they are deemed to be sufficiently potent and effective to equalize incomes.<sup>70</sup> Jamal-al-Utaifi, another Arab scholar, has made similar comments in defining relationships between Islam and socialism. He says:

Of course, we will not find in the Islamic *Shari'yyah* the kind of laws that are called for by economic and social evolution, such as (laws on) nationalization, agricultural reform, the regulation of banking and insurance, and economic planning. For socialism, with its scientific methods, is a recent economic system which sprang up in the wake of the evolution of the capitalist system with all its attendant contradictions. It (socialism) is a phenomenon which was unheard of at the time of the appearance of Islam. Nevertheless, we find that the laws of the socialist transformation are in harmony with the principles of the Islamic *Shari'yyah*.<sup>71</sup>

The land-mark work, which for years had widespread influence in the Arab world in this matter, was written by a Syrian scholar, Mustafa as-Sibai, the Dean of the Faculty of Islamic Jurisprudence and School of Law at the University of Damascus. The book entitled, *Ishtirakiyyat al-Islam* (The Socialism of Islam) was published in 1959. As-Sibai, besides being an eminent academician, was also the leader of Muslim Brothers (Islamic Social Front) a counterpart of Egypt's al-Ikhwan al-Muslimeen in Syria. The book is violently anti-Communists, and by comparing and contrasting the ideological contents of communism and Islam, he makes a serious effort to establish the superiority of the latter. Like some other Islamists with socialist proclivities, the author makes a serious effort to reconcile Islam and socialism. It is however difficult to find any original material in Sibai's book. His arguments are very similar to those found in the books on this subject, which have been published practically in every Muslim country. But Sibai is more systematic and relies heavily on original sources and presents extremely lucid synthesis of arguments extracted from all the available religious literature.<sup>72</sup>

Sibai has not examined the European varieties of socialism. After a cursory reference to them, he sums up their essence by pointing out that socialism means the use of state control over the wealth produced in society. In his opinion, Islam agrees with this philosophy when it allows a Muslim state to regulate the uses of wealth, and enjoins upon it to guarantee economic and social welfare of every member of the society, and assure the dignity of human life. But at the same time he points out that unlike communism, Islam permits healthy and constructive competition. Moreover, Islamic doctrine subjects all activities of man to moral and spiritual regimentation of the divine law. Communism on the other hand as well all knows, believes in Godlessness. The greatest charge against the socialistic doctrines is that they all preach abolition of the institution of property and would not hesitate to use force in the expropriation of property holders. Sibai's contention is that Islam acknowledges ownership of property, but the manner it has been done is unique and it eliminates the abuses of both capitalism and communism. He begins by saying that the Qur'an has categorically stated that the owner of all things is God.<sup>73</sup> This is the primary principle of the Islamic economic system. This statement is an antidote against the heady effect of wealth and ownership of property which often makes people arrogant. It compels the owners to abide by the rules of *Shari'yyah* and subjects their economic activities to serious moral constraints. Then Sibai has made reference to another verse of the Qur'an that states that although the ultimate ownership belongs to God, but man has been allowed to hold possessions liberally. From these verses Sibai has concluded that man is entitled to possess all what he can in a world around him. The only restriction is that what you own has been earned through honest means. But at the same time, using the tradition of the Prophet he says, "People own three things in common: water, grass, and fire." He concludes that all material things whose possession can generate monopolistic exploitation should be nationalized. Similarly, *waqf* and *hima* are highlighted as indicative of the fact that certain economic institutions in a Muslim society must remain in the possession of the State. The thesis of nationalization is further supported by verses, which instruct that ownership of property in foolish hands is detrimental to the welfare of the society, and that for the economic health of the people, it is essential that concentration of wealth in fewer hands should be avoided. About concentration, he uses the verse of the Qur'an that deals with the distribution of the spoils of war. In his opinion, observers who have confined the meaning of socialism only to nationalization of industry, abolition of property, and restricted ownership of the means of

production have totally misconstrued the socialist thought. These are only the means to see that no one becomes rich at the cost of another person. It is an instrument by which helplessness and wretchedness of the masses could be eliminated and social equality among people is guaranteed. Socialism, in other words, is only an instrument by which the depressing spectacle of poverty, sickness and deprivation of the poor and demonstrable luxury, waste of the rich, both could be removed. One of the cardinal features of Islamic socialism, according to Sibai is that it declares property an essential and a sacred institution. In his opinion, work is life's greatest tonic. Without work the wheels of human existence would stop. Possession or property is an indisputable product of work. It means the natural right to exert personal ownership on things and article which an individual has earned with his personal efforts. In the traditional socialism of the West, property is labelled as the original sin of man's economic activity. It is considered to be the root cause of greed, corruption and exploitation in society. This is, however, not the way Islam looks at property. It is considered an institution with unquestioned functionality in maintaining social stability in society. State however is assured of the right to put certain constraints so that property does not become an instrument of oppression and exploitation. Acquisition of property is a right, but every right is always accompanied with some duty. In the case of property, charity, assistance to poor relatives and social responsibility are some of the major duties. Property and the laws of inheritance are very closely related, and it is the duty of the state to protect and enforce the laws of inheritance.<sup>74</sup>

When one thinks of the Western socialism, the thought that immediately conjures up in the mind is nationalization. All socialist regimes resort to nationalization as a legitimate instrument of state policy, to narrow the income gap among various classes. Islam according to Sibai gives the state the right to dispossess an individual of his possessions only, if possession of such a property creates conditions of exploitation in society. Expropriation in this case also takes place only if there is a consensus in the community about it and specialists have given support of their expertise to such a step. Sibai has summed up the above-mentioned discussion of Islamic socialism in the following five principles.

1. The right to live and as its corollary, the safeguarding and protection of the health and assistance against illness.
2. The right to liberty in all forms and particularly to political liberty.



3. The right to knowledge. This right extends to all the knowledge the nation needs, both spiritual and material.
4. The right to dignity in all its aspects.
5. The right to property subject to certain conditions.

The above principles lucidly explain the substance of Sibai's Islamic Socialism. It clearly shows that in such critical areas of national life as health and education, state regulation would be a basic necessity. They could not be left in private hands because peace, happiness and stability in national life to a vast extent depends on the physical and intellectual health of the people. Therefore matters of crucial nature for the collective welfare of the community could not be left in private hands. Islamic socialism is highlighted by its moral dimension which is conspicuous by its absence in Western socialism which only rooted in materialism. Material pursuit if it is not anchored to principles of absolute morality is susceptible to become naked barbarity, and lastly under Islamic socialism special care would be taken about the dignity of man. Human dignity is a broad term, but is commonly accepted to mean fundamental human rights like freedom of speech, freedom of association, freedom of conscience and freedom of movement. History of thought and philosophy shows freedom is a powerful fertilizer of the pastures of life, and whenever there is freshness of freedom the harvest of creative ideas in human civilization has always been very large.

According to Sibai, Islamic socialism satisfies needs of both human body and soul. Without sound morality, material prosperity can become a source of chronic conflict in society. Relentless pursuit of material gains is at the heart of class struggle which is the crux of the ideological militancy of communism. Therefore according to Sibai Islamic socialism derives its basic strength from ethical qualities which make wealth a trust rather than a personal possession which gives the owner a heady effect resulting in unbridled ambition and arrogance. Sibai has concluded an estimate of Islamic socialism in the following words.

Such are the aspects and characteristics of socialism in Islam. Without doubt it is totally different from the type of socialism that attaches no importance to religious values, relies on the class struggle in society, seizes private property without good reason, nationalizes industry and economic concerns that contribute to the national economic prosperity, paralyzes initiative and competition in the individual as well as the community, impoverishes the rich without enriching the poor, originates from hate and not from love, claims to work for the people while terrorizes them, impoverishes them, and humiliates them. A socialism of this kind is far removed as possible from Islam and has nothing in common with it.<sup>75</sup>

The primary thrust of Islamic socialists is to demonstrate that Islam as a religion is not inimical to social and economic Justice. They argue that the religious doctrine that has been preached by the Qur'an is dynamic and has ample provisions for growth and evolution, so that its adherents in every age could adjust themselves to the changed conditions. Islam has this unique distinction among religions of the world that every single element of it is dynamic, and that it does not decry reason, science and rationality. Therefore, in their opinion, if technological civilization of today demands additional steps which may not be in consonance with traditional thinking, the Muslims should not desist from them, if they help them to fulfil the ideals of Islam. Shaikh Khalid Muhammad Khalid in his book entitled *Min Huna Noboda* (From Here We Start) has described the future socialist society based on Islam by saying, "Religion is in constant interaction with life and science. It fully recognizes that its vitality depends upon the continued development of life and science and that at no time does thought move on, while religion stands still." In his work there is a chapter with a heading "Peace is Bread" in which he remarks that, "spiritual capacity depends upon economic capacity. Unless our people at large are fortunate and live without need or anxiety, we shall have no spirituality or even spirit- Unless our economic situation is greatly improved, our society will neither change its heart nor purify itself from its ills." Religious scholars are often critical of both the Islamists and the modernists. In their opinion, those who consider the religious doctrine a hidebound phenomenon, and those who advocate the abandonment of religion, have a very unrealistic approach to the modern problems of life.

The fundamental issue that goes against socialism in Islam is that the institution of property has not been abolished. Ample evidence has been provided earlier from the Qur'an and the Traditions of the Holy Prophet that Islamic *Shari'yyah* does not prohibit property. The only thing that is forbidden is demonstrable waste and lavish display of wealth. Otherwise the individuals' right to work, and own what he earns is given full legitimacy in Islam. The only restriction on property is that it cannot be used for the purpose of usury, and that one must pay *zakat* on all that he possesses. Over and above these legal constraints, there is severe moral pressure on the owner of a property that he should enjoy its fruits with a fear of God in his heart. The owners are further warned that their wealth should not become an instrument of subversion and corruption. Other than these legal and moral restrictions, Muslims are left with full proprietary rights of their possessions.<sup>76</sup> Muslims are repeatedly warned that anything acquired through fraud or misappropriation is

sinful because it is detrimental to the general welfare of the society. There is no room for asceticism in Islamic ideology.

The above mentioned theoretical framework is perhaps the commonest why by which modern Islamists in Muslim societies with leftist tendencies have tried to lay down specific guidelines for economic planning in a Muslim society. But even this mild touch of socialism to Islamic economics has not been allowed to go unchallenged by critics. They have pointed out that the entire conceptual framework of the doctrine thus envisioned is deceptive, and contradictory. There are such glaring differences between Islam and socialism that no amount of subtle and sophisticated rationalization could bridge the ideological gap between the two. In every discussion of a social organization, the fundamental issue is whether society is organized to serve man, or man has been created to work slavishly for the collective interest of the society. Islam and socialism provide diametrically different answers to this question, as such putting them in forced partnership, or reconciling their incompatibilities seems a futile intellectual exercise. Islam puts an individual on an indisputable pedestal of dignity and endows him with some inalienable rights. It has given him considerable autonomy in spiritual and material matters. It is true that both Islam and socialism advocate social Justice as supreme objective that holds the key to the salvation of man from inadequacies that impede his self-actualization and realization of his potentialities to the fullest possible extent. The Islamic view of 'adl however, is much more comprehensive. The Mutazilites called themselves *Ashaab al-Adl wal-Tawhid* (People of Justice and Unity) which they explained by saying that man was an architect of his own destiny in matters of good and evil. Shah Wali Allah (1703-1763) one of the greatest Muslim savant in the history of Islam over the Indo-Pakistan sub-continent, has explained social Justice by saying that, "Islam aims at the achievement of social Justice which it is possible only when a society is free from class conflict and everyone has an opportunity to develop his capabilities and his personality by taking advantage of the facilities afforded by the material and cultural environments. Thus, a strong personality, steeled in life's experience, should not become obsessed with self-aggrandizement; it should devote itself to the service of God and man. Islam does not want its followers to submit to an oppressive and unjust social system. Islam has preached that an economic system becomes viable and gainful only if it establishes equilibrium in the distribution of wealth; and if this equilibrium is unhinged, society drifts towards disintegration. Ibn Hazam (996-1064 A.D.) centuries before Shah Wali Allah was even more lucid and emphatic in his explanation of the Islamic view of social Justice. He

demands abolition of poverty, declares property and its private ownership a legal institution. He deemed it as one of the major duties of a Muslim state to see every citizen gets adequate food and other facilities to survive. The poor are given a share in the wealth of the rich, and in times of dire necessity gives the poor the legal right to snatch material assistance for themselves by force. In all this which resembles so much of modern socialism, he does not ignore, however, the fact that individual liberty is sacrosanct.

In socialism, the individual is completely sacrificed at the altar of the collective interest of the society. He is not allowed to know his inherent potentialities, and his personality is always suppressed, and he only works as a lifeless clog in the monolithic machine geared only to the material pursuits. In this doctrine only ends are sacred the means have no moral sanctity about them. The whole system is so mechanistic that it kills all creative capabilities of man through routine and drudgery; and by liquidating property it kills the major source of incentive and commitment for human activity. More than anything else, socialism is denuded of spirituality. In contradistinction to this, Islam's ethical ideals teach conversion and persuasion as the best means to spread its mission while socialism teaches insurgency, coercion and oppression as legitimate weapons to convert people this doctrine.

Since the bulk of the Muslims are convinced that the Qur'an has a very pragmatic system of economic planning, socialistic and communistic ideologies have not been able to achieve much success in the Muslim world. Marxism in South Yemen, Nasser's Arab Socialism, Michael Aflaks' Bathism in Syria and Iraq sank in ideological quagmire, and disappeared.

Knowing how deeply religion is entrenched in the minds of Muslim masses, many protagonists of socialism have tried to Islamize the doctrine in several different ways. They emphasize the importance of religion, and would even criticize the youth in the Muslim lands for their neglect of religion. But the difficulty with such socialists is that they accept only those segments of Islam which suit their political or economic objectives. For instance, the Arab socialists particularly of the Bath Party, simply want to use the revolutionary propensity of Islam. Their primary purpose is to change the traditional social and political order as it exists at the moment, and replace it with an order which fits into their newly acquired ideological frame of reference. For this they need massive public support, which because of the inertia with which the masses have been plagued of a long time, is not so readily available. To dispel their lethargy, and conduct them into new and revolutionary

commitments, they appeal to them in the name of Islam, showing that the Holy Prophet started the biggest revolution in history and his great companions were revolutionaries in the true sense of the term. They highlight the tyrannies of the Pre-Islamic-Arabia, the persecutions to which Muslims of humble origin were subjected during the early period of the Prophet's mission, and the tremendous revolutionary upsurge and zeal with which finally the Muslims, who were a minority at that time, triumphed and left an imperishable impact on the history of Islam. Michael Aflaq says,

Does our youth consider the fact that when it arose, Islam was a revolutionary movement that rebelled against the whole system of beliefs, customs, and interests? Can they not perceive that Islam can only be properly understood by revolutionaries? After all, this is only natural since all revolutions are identical and eternally unchangeable. Does any one who has not known persecution and has never fought in the ranks of the few who have right on their side against the deluded majority—does such a person have a right to speak in the name of Islam?

No one will dispute that Islam is the greatest revolution because it synthesized and finalized the message of God for all times to come. It is also true that it revolted against beliefs, customs, and rites which were prevalent at that time. But the beliefs against which Islam fought were those of the *Ayyam al-Jahila*. The present-day communists and socialists on the other hand are inculcating a revolt against many beliefs which are fundamental to Islam, as such comparing socialist rebellion of today with the revolution of Islam under the leadership of the Holy Prophet is unwarranted both on historical and moral grounds. Thinking that all revolutions are identical is not true, and further to believe that since the Prophet and his companions were in minority at the time of the inception of Islam, and this precedent entitles every Muslim minority to fight against Muslim majority is against the canons of the Qur'an and the principle of *Shari'yyah*. Only *ijma* roughly the majority opinion can give legitimacy to change of institutions and practices in a Muslim community. Among Muslim Jurisconsults there has always been a dispute about the nature of *ijma* but those who believe that 'joining together' or 'collective will of the community' is next to the Qur'an and the Traditions of the Prophet, the third most important source of law depend on the verse of the Qur'an which says, "But him who breaks with the Messenger after guidance has become clear to him, and follows other than the way of the believers, him we shall consign to what he had turned to, and roast in Yehenna – an evil homecoming."<sup>77</sup> The concept of the *ijma* of the whole community has support of such stalwarts of Islamic Jurisprudence as Imam Shafii (d.A.H. 206/A.D. 820). Aflaq's contention that in Muslim society minority of revolutionaries have the right to

change the belief system is nothing but a replication of the ‘vanguard theory’ of communism which gives a handful of ideologues the right to lead the whole society. Aflaq’s belief is that ‘socialism is one which as stated considers man to be the highest value and to be master of all what; he creates,’ also does not fit into the ideology of Islam. In Islamic view of life, the Qur’an is the highest value, and man has tremendous creative capabilities but he still is subject to guidance provided by the Supreme Creator. He is not entirely the master of himself. His mastery of environments and of himself is hedged around by divine laws and rules of *Shari’yyah*, although the boundaries of these limitations are wide enough that he can never be starved of creativity.

From the above brief examination of a very complex issue, we can easily construe that any effort to interpret the tenets of the Qur’anic doctrine to support communism or socialism would entirely be superimposed and over stretched intellectual exercise. The economic system of Islam is humanism plugged to materialism. The nature of this harmonious blend of humanism and materialism has been described by Rodinson in the following words:

It is thus clear that the Koran’s ideal did not challenge the right of ownership of any forms, even if one may think that from certain of the books of principles it would be possible to deduce restriction upon the use and abuse of property in certain cases. This is true of all law-giving. The right to property did not seem to be in any way incompatible with Justice. Justice in economic matters consists for the Koran in forbidding a type of gain that was particularly excessive, *riba*, and in devoting part of the product of the taxes and gifts collected by the head of the community to helping the poor, to hospitality, to the ransoming of prisoners, perhaps to grants or loans to the victims of certain disasters or circumstances of the war. It is really a matter of mutual aid organized within the community with the rich being compelled to participate more or less in proportion to their incomes. It does not affect the differentiation in social conditions, which is conceived as being willed by God, natural and even destined to be perpetuated, doubtless with other criteria, in the next world. See how we have given them preference one over the other, but the Hereafter has greater degrees of honour and greater preferment. (The Qur’an 17:21-22)<sup>78</sup>

A careful assessment of the economic principles of Islam leaves no doubt in the mind that its primary ideological thrust is to produce a system in which social and economic justice would be to respect each other’s rights and privilege. Everything would be dictated by the spirit of golden mean. The Qur’an in very specific and lucid terms has pointed out that human beings are slaves of greed and avarice. They have instinctive gravitational pull towards niggardliness and hoarding tends to be their second nature. This makes their behaviour acquisitive and they tumble into impatience and countless other weaknesses. It says: “Man is

very niggardly,<sup>79</sup> "he loves riches with all his heart."<sup>80</sup> Man is prone to avarice."<sup>81</sup>

Just as acquisitiveness is condemned in unmistakable terms, similarly believers are repeatedly reminded that extravagance, wastefulness and stinginess deserve to be deprecated. They produce jealousy, suspicion and hostility in social relations, and lead to class wars, factionalism and conflicts, due to economic disparities which become so conspicuous due to the demonstrable waste among the rich. People are warned against such an eventuality in such verses as "But waste not by excess, for Allah loveth not the wasters," and further adds, "Squander not your wealth in the manner of a spendthrift. Verily spendthrifts are brothers of the Evil ones."<sup>82</sup> The entire emphasis of the religious doctrine is on fairness and uprightness. Muslims are forbidden to indulge in foul play, or fraud in their economic dealings. Exploitation, and encroachment on the rights of other people are said to be repugnant to the spirit of the Qur'an. People are warned against abuse or misuse of economic power. The Qur'an says:

Give measures and weight with full Justice.

Give just measures and weight, nor withhold from people the things that are their due.

Woe to those that deal in fraud, those who when others measures for them, exact in full, but when they measure or weight for others defraud them.<sup>83</sup>

### **Islam: The Third Way**

With the resurgence of Islam, and the demand among the Islamists to adhere strictly to the laws of *Shari'yyah* the debate about the feasibility of Islam's social and economic institutions has again become acute and controversy is raging both among religious scholars and Muslim secularists to re-evaluate Islamic social order and economic institutions, and find ways and means by which they could be accommodated in dramatically changed circumstances. This is a very critical dimension of the present-day regeneration of Islam. The entire issue is wrapped up in all sorts of interpretations and exponents of different views seem in total disarray intellectually. At the moment the complicated modern day social and economic problem are confounded by insoluble controversies, but probably as more serious research is done, and doors of *ijtihad* are opened and Muslims could evolve some workable consensus, and matters of substance would be crystallized, no one would be surprised if Islam becomes an effective and powerful alternative to economic systems which have been tried for over a century and are found deficient and inadequate.

Search for a truly Islamic economic order has become crucial because the failure of capitalism and communism has thrown the entire world into an ideological flux. This century dawned with resounding claims by protagonists of capitalism and communism about the potency of their respective ideologies. They found in them a panacea which would remove all social and economic ills which had eroded the foundations of human civilization. Chronic mal-distribution of national wealth had unleashed a vicious warfare among various classes. Rampant exploitation, widespread poverty, yawning social disparities, and increasing social discrimination among groups and factions had produced a ghastly spectacle of social and economic injustice.

It is in the midst of these conditions in the world, that Muslim lands have been engulfed with the rising tide of religious resurgence. Leaders of this resurgence find that the world is going through a deep ideological metamorphosis. Repeated failures spread over a long period of time, have compelled both the capitalists and the communist to rethink about their contentions. They are being forced to revise many of their economic gospels but most revisions are still incomplete and the world seems to be in a state of some kind of intellectual and social crisis and there is a growing demand that the new century must be adumbrated with a new world order which would be amalgam of post-capitalist and post-communist thinking. Advocates of Islamic resurgence believe that this is the most opportune time for the Islamic ideology to demonstrate its efficacy as an instrument of social and economic regeneration of mankind. In their propaganda they highlight the failures of both capitalism and communism, and put forward Islamic approach to social and economic problems of human life as a third alternative, which is accepted and repeated by millions but has not been tested with sincerity and thoughtfulness.

Islam has not given any specific nomenclature to this system. As mentioned earlier that the Qur'an has embodied Islam's social and economic philosophy in broad and general terms and it is all a part of the religious doctrine. Some of the modern Muslim revivalists contended that from the contemporary ideologies they would pick up one which comes closest to the Qur'anic thinking and Islamize it in a manner so that it could be acceptable to both the Muslim secularists and religious classes. The bulk of the Islamic revivalists believe that the socio-economic institutional framework of Islam is much closer to socialism than any other western ideology. Capitalism is dismissed because it is based on interest, is exploitative, and above all thoroughly corrupted, Communism is equally unacceptable because it is godless, and indulges in oppression, and denies people their hard earned possessions, and flouts



fundamental human rights. Socialism also shares many of these vices but according to Muslim revivalists, with a bit of *ijtihad* effort it could be moulded into an ideological manifesto that could have all the cardinal features of Islamic social and economic thinking. But in spite of this agreement Muslim scholars and reformers are still at sea with regard to numerous ideological aspects of the Qur'anic teachings. They are still not sure how much of it is strong and effective enough to grapple successfully with problem of modern life which is raked with imponderable complexities. They are also uncertain about the phenomenon that if incongruity arises between Islam and modernity what course of action would be more rational to blend the two in a manner that no damage is done to the intrinsic spirit of any of the two. In short we are still wallowing around in a lot of confusion and uncertainty but because of the recent advances in the science of economics, and the discipline of sociology, scholars have been able to articulate their thoughts better, and many of their conclusions seem to fall within the realm of plausibility.

Shaikh Mahmud Shaltut (1892-1963) occupies a place of considerable respect among religious scholars of modern Egypt. He joined the faculty of Al-Azhar in 1927, and was among the leading exponents of the reform movement in that great institution of Islamic learning. In 1958 he became Shaik al-Azhar(Rector) a position always reserved for outstanding religious scholars. Shaltut like the rest of contemporary Muslim scholars concludes that Islam must be distinguished from other religions by its all encompassing ideological influence in every field of human activity. It builds an enduring relationship between man and his Creator, but also lays down certain firm and infallible rules for the conduct of public affairs and economic and social welfare of society. In his opinion, the Qur'an has envisioned a kind of mutual aid society which is based on religious brotherhood. The Qur'an he says has lucidity pointed out, "The believers are a band of brothers". This theme is repeatedly elucidated in the Qur'an and there are many traditions of the Holy Prophet which dwell on this subject and enjoin upon Muslims to accept religious ties as superior to blood relationship.

Mahmud Shaltut agrees that like socialist ideology, Islam gives the state the right to interfere and take active interest in regulating the economic activities of the people. Islam, he points out has left no room for suspicion that in a Muslim society spiritual and material ideals of human welfare are totally solidified. Material solidarity is possible only when economic needs of every man and woman in a Muslim society are satisfied. Moreover material happiness is a gateway to happiness in all

other spheres of human existence. Standard of living among people is a very crucial test of the progress of civilization. It is for this reason that the Qur'an had made wealth the "ornament" of this life. Wealth is indisputably important, but is only means to an end and not an end itself. It is tonic if accumulated and spent under moral constraints, but becomes toxic as soon as it is gathered simply for satisfying instinctive appetites of man. Shaltut recognizes state's right to expropriate citizens of their possession if it is required for the common good of the community. He says:

Muslim Jurists are unanimous in recognizing the right of authorities to expropriate land in order to enlarge the place of prayer (i.e. the Jurisdiction of Islam) until the whole world becomes mosque. They also have the right to act likewise to enlarge a street or any other public service, in the interest of both individuals and the community.

To support his contention Shaltut further adds that all worldly possessions belong to God and they are assigned to men according to his will. The Qur'an says, "Allah gives without measure to whom he wills,"<sup>84</sup> but at the same time gives the society the right to dispossess those who misuse or abuse their possessions. For instance, a verse in the Holy Book says, "Do not give to the feeble-minded the property with which Allah has entrusted you for their support."<sup>85</sup> Moreover there are other verses in the Qur'an which supporters of socialism, including Shaltut, have used to justify state involvement in the economic life of the community. First there is repeated emphasis on *zakat* which is always bracketed with *salat* as one of the most important religious obligations. Institutionalized and state-regulated *zakat* could be an effective instrument for the circulation of national wealth and is likely to mitigate disparities of incomes among people. The Qur'an says, "Give in laws of that which he has made your inheritance."<sup>86</sup> There are numerous other verses of a similar kind in the Holy Book. Another verse says: "Allah created the heaven and the earth to reveal the truth and reward each soul according to his deeds. No one shall be wronged."<sup>87</sup>

Shaltut seems to discern in the above verses roots of Islamic socialism and believes that Islam favours equality of incomes and draws the following conclusion.

If worldly possessions are possessions of God, if all men are servants of God, and if the life in which they toil and do honour to the possessions of God belongs to God. The wealth although it may be attributed to a private person, should also belong to all the servants of God, should be placed in the safekeeping of all and all should profit from it.<sup>88</sup>

Shaikh Mahmud Shaltut has also pointed out that Islam wages a constant Jihad (crusade) against two of the greatest evils of capitalism

i.e. hoarding and waste. It is a matter of common knowledge that the capitalist system is notorious for the encouragement it gives to unrestricted hoarding of wealth in fewer and fewer hands, and the conspicuous waste of the rich. Both are serious social and economic evils. The Qur'an has denounced both of these economic evils in unmistakable terms. It says:

Proclaim a woeful punishment to those who hoard gold and silver and do not spend it in Allah's cause. The day will come when treasures would be heated in the fire of Hell, and their foreheads, sides and backs branded with them.<sup>89</sup>

Similarly it says:

The wasteful are Satan's brothers.<sup>90</sup>

After making use of the above verse in support of Islamic socialism, Shaltut comes to the conclusion that the socialistic program envisioned in Islamic terms differs from the Western socialistic doctrines in the sense that the latter are based on militancy, hatred, and bitterness among the classes, while socialism in Islam is rooted in piety, goodwill, and understanding among all members of Muslim society. It is a part of a Muslim's faith and his belief system, and as such this in itself is a great deterrent against excess of capitalism and communism. Shaltut did not use the term "Third Way" or indicate that Islam had the chance to establish itself a third alternative after Capitalism and Communism had been eroded by weaknesses and collapsed, but the entire thrust of his analysis and arguments in defence of Islam showed that he was convinced that the world at this crucial stage in the twentieth century would find in the Qur'anic planning a very viable system of economic development.

The theory of "Third Way", as something of a compromise between capitalism and communism based on Islamic principles was explained in another form by the Libyan Head of the State Colonel Muammar Al-Qadhafi, who assumed power through a military revolt in 1969 and has been ruling the country as chairman of the Revolutionary Council and President. He has not written much by way of intellectual exposition of his ideology, but in *Fil-Nazariyyah al-Thalittah* (The Third Way) and his extremely controversial work called *Green Book*, he gives some valuable information regarding his views about modern economic planning. Qadhafi, since his rise, has been a centre of many international controversies and conflicts, but he appears to be firm and very unflinching in his ideological outlook. In his "Third Way" theory he points out that journey of life must be led with a beacon light from the Qur'an. This scripture in his opinion is an eternal lighthouse of wisdom

and guidance for mankind, and in it he finds solutions to all problems ranging from personal laws to international politics.

He is a very zealot devotee of the Qur'an and considers it an all time manifesto of rational, moral and material planning of human society. In his opinion those who deny this are pagans. Prophets were labelled as poets or magicians, and their teachings were denounced as harmful innovations meant to destabilize the established order. He points out that critics who question the authenticity of the Qur'anic message and criticize those who follow it as reactionaries are modern pagans. He blames the West for the present-day ideological confusion, and seems thoroughly convinced that both capitalism and communism have miserably let down humanity in the achievement of those objectives for which these ideologies were formulated at the turn of this century. Both systems showed serious deficiencies. Corruption, monopoly, ruthless competition, and exploitation characterized capitalism, while communism in the name of collectivization unleashed reign of terror, oppression, expropriation, introducing stifling process of economic regimentation and obsessive bureaucratization. Qadhdhafi believes both ideologies are hopelessly inadequate and therefore must be abandoned. He has expressed his opinion in the following words. "Without theory in our creed we have no need of communism nor capitalism, we did not need East or West in our creation, nor do we need them in our resurrection."<sup>91</sup>

Qadhdhafi considers the Qur'an the fountain head of every kind of knowledge. He thinks it is an economic manifesto, manual in military planning and guidance, a social code, a book of laws, and a handbook for political and legislative affairs. It was this book in hand, he says, that the Arabs conquered every branch of human knowledge and even today if rightly understood and interpreted, it could still guide mankind to solve all its corroding problems. Although Qadhdhafi has castigated both capitalism and communism, his bitterest attacks are reserved for capitalism which he thinks is a bigger evil. He sums up his criticism of capitalism in the following words:

As for capitalism, we must oppose it forcefully in order to demonstrate the corruption of wealth, the corruption of exploiting capital. If capital is amassed, it is transformed into evil, we must demonstrate from the Qur'an. The Qur'an is complete with sayings about those living in luxury, those who squander, and those who are prodigal.- The Qur'an said, "Nay, but verily man is rebellious, that he thinketh himself independent" (The Qur'an 96:6-7)- the meaning of "that he thinketh himself independent" is that he sees himself rich he will be tyrannical. So the problem is that riches or wealth, power or possessions by themselves push man to tyranny. Thus wealth is a problem which must be treated and solved. Restraints must be part of it. And as long

as wealth is sometimes an evil, we must search out other things and other states in which wealth will not be evil. We must search for justice in this subject.<sup>92</sup>

Communism in practice, he points out, has also turned out to be evil. It has not led the world to a true path. The only true path, he says, has been provided by Islam which is a compromise between capitalism and communism. Long before the West thought about economic planning, Islam fourteen hundred years ago had given a blueprint of a society in which economic justice was highlighted and emphasized as a basic ingredient of a stable social system.<sup>93</sup>

Abul Hasan Bani Sadr, the first president of the Islamic Republic of Iran, after the successful revolution of Imam Khomeini, also characterizes Islamic economic theory uniquely different both from capitalism and socialism. He calls it Tauhidi economics, meaning an economic concept based entirely on the unity of God. He differs from those Muslim scholars who start their discussion about Islamic economics with a strong advocacy of individualism. In their opinion individual as vicegerent of God is the focal point of all social and economic activities in a Muslim society. Bani Sadr makes a major departure from such a point of view. In his opinion Islamic theory of economics results from interaction between God, individual and society, but differs from other Muslim scholars by giving society precedent over individual. In his estimate vicegerent of God on earth is the community not the individual. He portrays the order of importance between the three components as follows:

God—Society—Individual. He explained the crux of his thesis as follows:

In all vital affairs, the relation between the individual and God is established only through the relationship between the society as a whole and God. Thus ownership by the community as the primary vicegerent of God always takes precedence to that of the individual and the vicegerency by the community is retained for all affairs in which community ownership of his or her own labour and its fruits. Based on this relation, individual ownership is rejected for some things and community ownership is rejected for others. The community can determine the extent of individual ownership, but is not allowed to prohibit an individual from working or owning the fruits of that work.<sup>94</sup>

Bani Sadr has introduced the concept of Tauhidi society as an antidote against concentration or centralization of social and economic power in a Muslim society. In his opinion such a concentration makes the society an easy prey to fraud and exploitation. In a Tauhidi society rulers would have very limited chances of becoming tyrants or fraudulent, because in it power to make decisions about social problems,

and economic planning have been transferred from the individual to the society. He says,

According to the principles of *Tawhid*, the movement and activity of all things is from relativity to absoluteness that is towards God. Transfer of ownership is a case of this movement from relative to the absolute, and thus the common direction of transfer must be from personal to the social.<sup>95</sup>

According to Bani Sadr, the law of inheritance as enunciated in Islam is an eloquent indication that it does not want the wealth to be accumulated in the hands of the individual. It clearly shows the trend of the movement of wealth from the individual to the community which then naturally makes the latter the vicegerent of God on earth. But in this arrangement, individual is not totally obliterated. He remains an important element in the Tauhidi economic scheme, but would remain subject to control and supervision of the community as long as the threat of the accumulation and monopolization of wealth persists. This is meant to protect him against exploitation. Bani Sadr says,

Therefore until the time that an economically prosperous society is set up within which security and the possibility of accumulation and centralization is removed. Islam prefers the transfer of the fruits of labour after the deduction of God's share to be distributed according to Qur'anic principles. The result of each persons work, tools, and land should thus be placed in the hands of descendants Principal is returned to the society which is the place of *Tauhidid*.<sup>96</sup>

But still Bani Sadr is not convinced that the individual will ever be able to out stride or out distance the community in terms of stability and economic importance. *Tawhid* demands that ultimate ownership belongs to God, from Whom it is delegated to the community, and it then rest with the latter to assign partial ownership to the individual. Individual do not work for themselves. They work for society, and this arrangement is perpetuated generation after generation, providing certitude and stability to society which has the susceptibility to be unhinged and destabilized, by the erratic behaviour of its members. He has summed up the relationship between *Tawhid* and stability of ownership in the following words:

Over time, generations after generations have relative ownership of land and resources and the fruits of labour. When it is said that "you are the owner of the land you are working" it means that you and the human community and future generations and past generations are partners in this ownership. The maintenance of *Tawhid* through time is one of the most important elements in the legislating of Islamic law. All rules must be established in accordance with *Tawhid*. This is true even with respect to the individuals own person. The *Tawhid* principle requires a prohibition on suicide because an individual does not have absolute ownership even over him or herself, but belongs to God and through the vicegerent principle belongs to the society, to future and

past generations which have laboured and still are working and work for him and her and for which the individual has a responsibility to work.<sup>97</sup>

Although Bani Sadr was educated in the West, but his intellectual roots in the Shi'a tradition of Islam remained firm. The concept of *imamat* is the heart of this doctrine. Power on earth to own, to govern and guide on behalf of Allah is delegated to nobody except the *imam*, a descendant of the Holy Prophet (PBUH) from his daughter Fatima. There were twelve *imams* the last one occulted and though hidden continues to guide the community which is anxiously waiting his return so that he could personally take over the command of the situation and initiate a rule of enduring bliss, and everlasting spiritual, moral, and material prosperity for mankind. He is the actual and omnipresent vicegerent of God. The individuals, the community, and the total hierarchy of theologians and ulema are only his agents, and thus eternally remain subservient to his will. Therefore it was difficult for Bani Sadr to ignore the role of the *imam* in formulating the conceptual framework of his Tawhidi economics. He points out that in Tawhidi theory of economics, God, society and individual interact with each other from two directions. One is the direction of origin and the other indicates the end to which all universe is drifting.

Direction of origin: God—Society—Individual.

Direction of end: Individual—Society—God.

In due course of time, Bani Sadr says, everything will fall under the ownership of *imam*, who would emerge from his hidden place and assume the ownership of everything as an active representation of God on this earth. After adding the dimension of *imamat* to the triangular relationship between God, society and individual Bani Sadr comes to his final conclusion as follows:

Accordingly, ownership is one aspect of God — human relationship. The relation has two directions: that of origin—God—Society—individual and that of ultimate end—individual—society—God. Absolute ownership is that of God, and the nearest ownership to absoluteness over the earth and resources is that of community. Next is that of the individual who, however, maintains relative ownership over his or her own labour. Therefore in transfer with respect to destination ownership should move from individual to the community, from the community to the society-at-large, and then to the *imam*, God's active representative. Until then, all tools of labour should be placed in the hands of those who can make constructive use of them, according to capacity.

The forgoing analysis of the views of some leading exponents of the "Third Way" theory clearly indicates that practically all of them tend to believe that Islam regardless of its emphasis on the sanctimonious character of property, still in its overall economic planning preaches

some kind of partial collectivization. In other words the Qur'anic economic philosophy is community oriented. Individualism is respected, fundamental human rights are protected, but peace and happiness of the community still takes precedent. But there is an equally strong current of opinion among certain modern Muslim scholars, who contend that Islamic economic thinking revolves around individualism. Their interpretation of the Qur'anic precepts is that, community is an aggregate of individuals, and if individual is at peace with himself, is economically viable, and socially and moral fortified, this would automatically would be reflected in the economic welfare and general moral health of the community. The most recent exposition of this view is given by a Muslim economist Umar Chapra in his thesis about Islamic Welfare State.

Like Islamic socialism, the Islamic Welfare state has become a very popular phrase in the vocabulary of Islamic social sciences and economics which is a subject of many public debates in practically every Muslim country where some kind of Islamic resurgence is taking place. The notion of Welfare State is also Western. It arose in a capitalist society after it had witnessed that the policy of *laissez faire* had increased exploitation and corruption, and that without some kind of state intervention or regulation of the economy and social change in society, people were likely to suffer serious setback in their social and economic welfare. It was due to the growing pressure from people for social security and equitable distribution of income, that this matter became a serious concern for law-making bodies in the West. The concept of welfare state became more popular after the United States, the world's most powerful citadel of capitalism collapsed during the great depression of the thirties, and President Roosevelt initiated his New Deal which empowered the state not only to regulate the economy of the country but also to ensure that everybody in the nation was guaranteed some social security and it gave citizens assurance that their welfare was one of its primary responsibilities. Now according to the bulk of the economists, every state in the world is a welfare state. Therefore one is not surprised that whenever a discussion about Islamic economic theory is unrolled, the question of welfare state immediately is raised as a very critical dimension of all future economic planning.

Before turning to the kind of welfare state that is envisioned by Islam, it is important to keep in mind the fact, that the Western notion of welfare state is still wrapped up in ambiguities, and it is difficult to determine in concrete terms the degree to which state intervention is needed to guarantee distributive justice in society. Both capitalism and socialism promise welfare and yet the two ideologies are dramatically



different in their approach and concern about the welfare of the people. Both systems over the period of practically the whole of the twentieth century have been in practice in various parts of the world and have shown numerous inadequacies and limitations. In different ways they are both tended to be exploitative, oppressive, and burdensome for an average citizen. Both have generated more anxiety than satisfaction for the millions of people who are subjected to their ideological regimentation.

In the midst of all this confusion and bewilderment, the proponents of post-World War II resurgent Islam have emphasized that Islamic doctrine provides a much superior plan of a welfare state. It is a manifesto or a program of development in which moral, spiritual and material interests of humankind are designed in a manner that excesses of both capitalism and socialism could be avoided. Islam in their opinion is a safeguard against both qualitative and quantitative imbalance in economic planning. It is with this perception in mind that we approach to examine the vital question of Islamic welfare state, and see how far and to what extent Islamic view of human welfare has produced a better economic landscape for the material uplift of mankind.

In examining Islamic notion of welfare state, like the rest of the elements of Islamic law, politics and social framework, we rely on the Qur'an and the Sunnah of the Holy Prophet as the basic sources of information and guidance. Poverty has been acknowledged the eternal curse of human civilization. Even the most prosperous civilizations of history witnessed some ghastly pockets of poverty. It is also universally accepted that poverty is considered among the primary causes that produce illness, injustice and crime in society. The level of achievement of each civilization is determined by the standard of living of its people and the quality of life that it garnets to them and how wide is the income gap between the rich and the poor. It has been observed by economic historians that in most periods of human history the gap has always been very wide. While the toiling millions suffer the pangs and anguish of economic misery, and pains and aches of deprivation, a limited number of rich have often controlled the main sources of income. Through accumulated wealth they buy power in society and with use of this power they accumulate more wealth. It is against this unfortunate and unjust phenomenon that from times immemorial, reformers, saints, philosophers and prophets have always revolted, and have waged endless crusade to narrow the gap, and alleviate the lot of down-trodden humanity. Every religious doctrine and every ethical code has denounced poverty as an unpardonable economic sin, and a moral wrong that tends to contaminate the entire socio-political climate in society. Therefore as long as poverty

persists among large segments of society, they say exploitation, oppression and injustice would never end, and conflict and rift would always pose a serious threat to the stability of a social system, and no one should be surprised if it drifts towards its ultimate dissolution.

In view of the gravity of the situation that is created by poverty, Islam took special care to create a system in which even if poverty did not completely disappear, at least its disruptive and evil effects would be reduced to irreducible minimum. It made a multi-pronged attack on the problem of poverty and created many institutions and laid down numerous moral precepts to mitigate the anguish of the poverty-stricken masses. Most of these institutions and precepts are meant to create a universal sense of social security in society, and tend to inculcate among Muslims a desire to adopt a policy of equitable distribution of wealth and narrow the yawning gap between the rich and the poor. The following sayings of the Holy Prophet are often used to demonstrate that in an Islamic state, it is the duty of the government in power to see that wealth is distributed equitably and that no one suffers deprivation because of the negligence of the officials of the state. The Holy Prophet said:

1. He who God has made an administrator over the affairs of the Muslims and remains indifferent to their needs and poverty God will also be indifferent to his needs and poverty.
2. He who leaves behind him dependants, they are our responsibility.
3. The ruler (state) is the supporter of him who has no supporter.

The Qur'an also in equally unmistakable terms, and emphasis has waged a crusade against economic inequality in the following verse.

4. He it is who has placed you as viceroy of the earth and exalted some of you in rank above others that he may try you by the (rest of) that which he has given you. The lord is swift in prosecution and he is his forgiving merciful. (6:165) It is they who apportion their lord's mercy? We have apportioned among them their livelihood in the life of the world and raised some of them above others in rank that some of you may take labour from others and the mercy of thy lord is better than (the wealth) that they amass.(43:32)

In other words, Islam opens the path to economic justice with a positive statement that inequality among men in income distribution is a natural phenomenon. The above two Qur'anic verses clearly indicate that distributive justice in Islam does not require about equality in the distribution of the wealth of the nation. Some kind of inequality seems to be rooted in the divine scheme of things and it seems plausible and

reasonable because men widely differ in their abilities and capabilities and this has deep bearing on what they contribute to society. Therefore to ignore this fact would be against canons of sound thinking. But at the same time reason demands that the wealth of a nation should be distributed in a manner, that difference of incomes does not become tyrannical and a source of enduring misery for a vast majority of people. It was to ward off this danger that Hazrat Umar the second caliph in many of his public addresses claimed that all citizens had some share in the wealth of the community, and that status and rank should not be allowed to interfere in the attainment of this objective.

According to some Muslim scholars, Islam has provided two different ways by which distributive Justice could be accomplished in a Muslim society. First state must guarantee a certain humane standard of living to every citizen. No specific formula is mentioned to determine that, but it is understood that through job training programs, by adequate and just wages, social security, by rational and planned financial assistance to the needy, one could evolve some standard that could embody the spirit of Islamic crusade against poverty, and mal distribution of wealth. It has been seen earlier that *zakat* and Islamic laws of inheritance are powerful equalizers of income and if effectively enforced could be useful devices to bring forth a genuine welfare state. Even a cursory glance over this framework could show that all mechanics in the system are designed to build up defences against the concentration of wealth. Concentration of wealth in fewer hands is the main cause of financial maladjustment in modern society and spells ruination of people with limited and modest means, and forces the poor classes to drift further towards the abysmal depth of poverty, decess, hunger and deprivation.

The modern Muslim state, like other members of the family of nations is a very complex society, and in order to provide citizens, all the amenities and facilities which would cater their welfare, it will have to have a lot of money at its disposal. In other words it will have to be materially rich. But in dealing with Islamic ideal of a economically healthy society we, however should have one fundamental fact in mind that according to Islam richest state is not necessarily the ideal state. It has laid down a very wide spectrum for human welfare. State is not merely to guarantee material welfare of its subjects, but is expected to provide the opportunity for fulfilment of spiritual obligations of life, as well.

The hallmark of Islamic welfare state is that it emphasizes material development as well as moral progress of human society. They are two

different facets of the same reality. Both have to be pursued simultaneously and must complement each other at every step of the growth of a Muslim society. Another important feature is that welfare has to be achieved within the very firmly laid down framework of individualistic philosophy of the Qur'an. Umar Chapra has summed up his view about the relationship between welfare and Islamic individualism in the following words:

It is sacred only as long as it does not conflict with the larger social interest on the overall spiritual and material goal of Muslim society or as long as the individual does not transgress the rights of others. Property can be owned privately, but it is to be considered a trust from God and is to be acquired and spent in accordance with the terms of the trust. The profit motive has also been subjected to certain moral constraints so that it serves individual interest within a social context and does not lead to economic and social ills or violate the Islamic goals of social justice and equitable distribution of income and wealth.<sup>98</sup>

Islam has a long and lustrous history of scholarship and research. Muslim scholars and scientists excelled in natural sciences and wrote great works on philosophy, logic and history, but seldom pondered seriously even on the most critical areas of politics and economics. Therefore Islam produced some outstanding physicists and Chemists, but no reputable political scientist or economist. It is for this reason that in the history of Muslim social sciences, we rarely come across landmark figures of high intellectual stature who elaborated the Qur'anic political philosophy or synthesized revelatory injunction about economic planning. Therefore in the intellectual history of Islam, the chapter on economic thought is completely missing. Historians, philosophers, and theologians occasionally strayed into the economic field, but that was only accidental. The result was that their inquiries were often superficial and fragmentary.

*Zakat* and *riba* the two most cardinal economic principles of the Qur'an were never institutionalized. After the closing of the doors of *ijtihad* Muslim social sciences were ossified. Stagnation of thought is the biggest blockade in the way of human progress, and when self-criticism, and self-assessment cease the wheels of creativity in human affairs come to a grinding halt. One of the greatest accomplishments of the present day Islamic resurgence is that it has awakened the Muslims from centuries old intellectual torpor, and Islamic scholars have started churning and fermenting all social sciences currently in vogue from the Qur'anic point of view. It has forced growing numbers of Muslim economists to articulate and systems whatever guidelines are available about economic planning in the Qur'an and the Sunnah of the Holy Prophet. The failure of the two western ideologies is an undiluted fact of

present-day shrunken world, and growing disenchantment against them among masses in many lands could not be questioned. But failure of capitalism and communism would not ensure automatic success of Islamic principles of economic. It is unfortunate, but undeniable historical reality that Muslims for a variety of reasons abandoned long before the dawn of Western ideologies, their own religious ideology and they entered the modern era with an ideological vacuum. In fact it was not merely a vacuum, but a deep crisis of the conscience. They continued to idolize their religious doctrine in theory but in their practical affairs they assimilated and practiced local customs with a thin veneer of Islamization. In politics and more so in economics Muslim scholars involvement was minimal. They used most of their intellectual resources in explaining the theological aspects of the religious doctrine. The desire to understand and translate the pristine spirit of Islam into actual life, has forced them to subject all Islamic precepts, including the economic ones to a thoughtful reflection. There is "a wind of change" in attitudes of Muslim social scientist and guided by the prevalent spirit of inquiry they have at least unleashed a serious discussion about Islamic economics as a possible tool of economic development in a world rendered so despondent by the collapse of the pyramid of hopes that mankind had built on the early successes of capitalism and socialism. But to achieve this objective, Muslim scholars, particularly those who specialize in the science of economics will have to mobilize all of their innovative resources in building up a consensus about economic institutions which would carry the religious and moral ideals of the Qur'an but at the same time would have the sophistication and refinement to cope with the bewildering complexities of contemporary problems of material growth, international trade, banking, commerce, and rest of the monetary and fiscal issues so crucial for the economic stability of the world.

It is true that the ethical framework of economic activity which the Qur'an has lucidity portrayed is superb, but for Muslim society to operationalize it as a part of its religious obligation in the global political economy of our time, a Muslim state would need a broad, and rational institutional base, and a theory which could stand the test of modern day econometrics. Moreover, before we could convince the rest of the world of the rationality behind our "Third Way" economic system, at least the bulk of the fifty five Muslim states must arrive at some consensus about the feasibility of the theory. The theory will have to indicate that it could handle issues such as the nature of produce, who could consume it and how much of it is to be produced so that the market economy is not adversely affected. It would also be important to indicate the factors of production like land, labour, and capital and who owns them. The nature

of price indices which constitute the heart of market economies will also have to be reflected into it. And then here is the vital and crucial question of economic development that would require some answer from us. At the present stage of the development of social sciences. Muslims are still at a disadvantage because we still do not discuss each social science, separately, within the ethical parameters of Islam. We blanket the bewildering variety of human activities under the general rules of Islam and do not make a specialized study of each of its elements. It is unquestionably a part of our faith that Islam provides guidelines for all aspects of human existence from cradle to grave both for the individual as an autonomous unity and society as a collective entity. But we also have to have faith in another principle that unity in diversity is one of the cardinal principles of human existence. If each diverse aspect of the whole is examined and understood with reason or knowledge which has not been disallowed by any Qur'anic injunction, it would only further solidify the faith in the whole. Ausaf Ali, while reviewing a book entitled "Economic Functions of an Islamic State," has explained this concern as follows.

The more serious problem is that unless we scope a discussion, especially in a scholarly and scientific treatise or chapter, and proceed to discuss one given subject at a time, we should permanently remain unable to develop an Islamic economic theory, an Islamic political science, an Islamic social theory, etc. as systematized disciplines. It was for nothing that economists in the West, knowing full well that everything depends upon something else, laid down the methodological requirement of assuming the constancy or equality of all other things, which is embodied in the phrase *ceteris paribus*. So far, because we all insist on being comprehensive all the time, all Muslim theorizing understandably suffers from the defect of being ague for precisely that reason. In the whole field of what has come to be called Islamic Social Sciences, we consequently have failed to produce a single scientific theory, whether of Islamic economy, polity, or society. The chapter under scrutiny here in Dr. Hasanuz Zaman's book is no exception. By and large, its contents fail to add up to a theory of an Islamic economic system, though the author does provide an excellent normative perspective on, not only, Islamic economic theory, but also, on Islamic political and social theory.

After the terms "God" and "knowledge" Justice is the third most frequently used term in the Qur'an. It is said that it has been used over a thousand times in the scripture!

The normative basis of economic activity in a Muslim society is superb and almost a perfect ideal, but in order to protect these norms from distortion, misconception, and sectarian controversies they have to be institutionalized rationally so that their implementation and interpretation, backed by the consensus of the community could gain maximum receptivity. For instance *zakat* is listed in the Qur'an as one of the fundamental pillars of the Islamic doctrine, and is an extremely vital

dimension of the economy of a Muslim state, but since it was not institutionalized in most of the history of Muslim societies its economic utility remained minimal. Sectarian controversies about it further reduced its economic importance. Even today, its institutionalization would be of the Muslim nations. Similarly, the Qur'an has provided two indisputably significant concepts called *adl* and *ihasan* which have a deep bearing on the economic planning of an Islamic state. The verse in the Qur'an is:

O ye who believe! Be ye staunch in justice, witnesses. For Allah even though it is against yourselves or (you), parents or your kindred, whether the case is of a rich man or a poor man, for Allah is nearer unto both them ye are. So follow not passion lest ye lapse from truth.

It is obvious from the above verses that Islam expects in Muslim society that economic benefits of the goods and services produced in society must be evenly distributed among all segments of society with justice and equity. It means economic planning must be free from personal prejudices, nepotism, exploitation, deception, personal-aggrandizement, discrimination, and regionalism. It demands positive legal and constitutional steps to protect the poor against the rich. There is no doubt in our mind that economic environments guided by these concepts guarantee economic development and economy would remain well-balanced. But concepts could not achieve fullness of efficacy if they are preached only as ethical ideals. Knowing the weaknesses and limitations of human nature, it is too much to expect that all individuals voluntarily practice these ideals at the desired scale to produce demonstrable economic results. For this we need consensus of theoretical frameworks and concepts.

The most difficult of all dilemmas that confronts Islamization of economic is a Muslim state in modern times is *riba*. The magnitude of this problem is bigger and more insoluble than any other political or sociological problem. Interest is the heart of a capitalist system, and the socialist theories, though also less dependent on interest, do not show any ideological antipathy to interest. Islam as an economic ideology is patently hostile to it. We have seen earlier in this narrative that Islam's economic theory has discernible elements of both capitalism and socialism. Therefore its reconciliation with interest-bearing capitalist and socialist economics becomes an uphill task. It is more problematic than the search for an Islamic form of government. The path to Islamization of a modern Muslim society would vastly depend on the solution to this problem. Some Muslim countries are experimenting with interest free banking, or profit and less lending system, but the experimentation unfortunately is very half-hearted, and peoples interest in it is still very lukewarm, which is a source of considerable scepticism about the steps

that Muslims must take to abolish *riba*, and still maintain a viable and growing economy. It is incumbent upon Muslim statesmen and scholars to use the entire ideological strength of Islam to evolve an Islamic theory or a model, and back it with a consensus among all the major segments of a Muslim society, so that the rest of the world could realize that they could not ignore the ideological needs of the one fifth of humanity living in fifty countries of the world.

Although the task of fashioning a rational and scientific theory of Islamic economics gigantic, but one would say since the beginning of the 1980's, Muslim professional economists, at least some of them, are busy in theory-building and are constructing mathematical models to show that there are means by which without indulging in forbidden practices. Muslims economies could maintain a stable growth momentum. For instance Dr.A.S. Mikalu, a Nigerian Muslim scholar has tried to establish that *Mudarabah* is a viable device to bypass the rigid constraint of *riba*, and that if this device is carefully adopted and implemented it could narrow the gap between conventional economics and Islamic economics. Both economic systems share the common factor in the scarcity of resources. It is, however, in the allocation of recurring and capital resources that the two have very divergent approaches. In the conventional economics the individual has been given the sole prerogative to determine this allocation, but in Islam both the individual and the state are under serious Qur'anic limitations in determining the means and methods for the use of resources. According to Dr. Mikalu if we think beyond the conventional models, there are alternatives which match the conventional economic theories in efficacy and effectiveness.

For instance Mikalu states that the Qur'an has in unmistakable terms warned the believers that *israaf* is abominable and must be eliminated from all human activities. The verse in the Qur'an says: "O children of Adam, look to your adornments at every place of worship, and eat and drink, but be not prodigal. Lo! He loveth not the prodigals".

According to Mikalu, cash flow in capital is a method of conventional economics and it does stop considerable amounts of waste. The question then arises, "should the Muslims adopt it"? The answer is they cannot because "cash flow in capital budgeting" is dependent on positive interest and *riba* we all know is most vehemently forbidden by the *Shari'yyah*. Therefore Mikalu has suggested *Mudarabah* which performs the same economic function without recourse to interest which is forbidden by the Qur'an. *Mudarabah* is basically a profit-sharing contract between the investor and an entrepreneur for a business enterprise. The investor is called *sahib al-mal* and he offers capital



without interest, the entrepreneur is called *mudarib* who plans and manages the trade and industry. *Mudarib* in this economic model is not a lender but an investor. In other words it is an investment-management relation and not a lending borrowing transaction. Milaki has summarized the conceptual issues of this model as follows:

### **I) Allocation of Business Risk**

The abolition of interest and its replacement by *Mudarabah* should stamp out a major source of inequity thereby providing a more conducive setting for investment and economic progress. By making investors to be fully involved in the process of decision making, the risk of business can be more equitably distributed thereby improving the trend of investment opportunities.

### **II) Discounting of Cash Flows**

It is already shown that the process of discounting future cash flows in capital budgeting is Islamically acceptable provided that the use of a positive rate of interest is eliminated. Certainly discounting of cash flows involves some element of forecasting and uncertainty. But there is nothing un-Islamic in business forecasting. This is because Islam's abolition of *riba* is basically on account of the fact that all commercial engagements have futuristic characteristics there-by involving one form of uncertainty or the other.

### **III) Cost of Capital**

To avoid being associated with *riba*, the determination of an investment's cost of capital using an Islamic framework will require a choice of investment not on the basis of present and future consumption preferences of investors but between present and future investment returns realizable from the investment. As such, all conventional rates of time preference cannot be maintained using an Islamic approach to capital budgeting. They need to be replaced by the Marginal Efficiencies of Capital (MEC). The sufficient and necessary conditions for MEC from the perspective of Islam are:

- 1) Zero rate of interest
- 2) *Mudarabah*

Efforts like the above on part of the modern Muslim economists give a clear indication that they seriously and systematically are examining possibilities of carving out a third economic way within the ideological parameters of the Islamic *Shari'yyah*. It might in times to

come, may even become a beacon light to these Western scholars who still consider the wisdom of the conventional economies as biblical!

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### Notes and References

- 1 Hamid Enayat say, "Of all the ideological challenges to Islam in the twentieth century, Socialism has been the most congenial to its overriding temper. It comes closer than nationalism and democracy to Islam's central summons, for brotherhood, social harmony and egalitarianism. On a more specific plane, as two systems of socio-political engineering, Islam and socialism are united in their high regard for collectivism, or a balance between corporate and individual interests, state control, and an equitable distribution of wealth. So while Islam is at variance with nationalism over the latter basic belief in ethnic specificity as the only valid criterion of group interests, and with democracy over the permissibility of the absolute freedom of opinion, it finds itself in no contradiction with the broad principles of socialism." *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), p.139.
- 2 Kenneth Cragg, "Tadablur-al-Qur'an: Reading and Meaning", in *In the Quest of Islamic Humanism*, edited by A.H. Green (Cairo: The American University Press, 1983), p.184.
- 3 Mascine Rodinson, *Islam and Capitalism* (New York: Pantheon Books, 1973), p.3.
- 4 In the Spring 1967, issue of *Jaysh al-Shab*, a Syrian Journal, an article appeared which stated, "the only way to build Arab civilization and the Arab society is to create a new Arab socialist human being who believes that God, religion, feudalism, capitalism, imperialism — all values that dominated the previous society are simply embalmed mummies in the museum of history. We are not in need of a human being who prays and kneels submissive and humble, asking mercy and forgiveness." "The Theme of Alienation in Contemporary Middle Eastern Literature," in *The Muslim World*, Vol.LXVIII, No.2, April 1978, p.115.
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  - 13 Sir Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: 1951), pp.188-189.
  - 14 Sir Muhammad Iqbal, *Bal-e Jibrael*, p.161.
  - 15 Sir Muhammad Iqbal, *Pas Cheh Bayed Kard*, p.36.
  - 16 Sir Muhammad Iqbal, *Armughani-i Hijaz*, pp.218-219.
  - 17 Sir Muhammad Iqbal, *Bal-i Jibrael*, p.167.
  - 18 cf. Shamloo, *Speeches and Statements of Iqbal* (Lahore: 1948), pp.53-54.
  - 19 *Letters of Iqbal to Jinnah*, 1963, pp.17-18.
  - 20 Cantwell Smith, *Modern Islam in India* (Lahore: 1947), p.128.
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  - 26 *Ibid.*, pp.65-68.
  - 27 *Ibid.*, p.106.
  - 28 *Ibid.*, pp.270-299.
  - 29 The Qur'an, 62:10.
  - 30 The Qur'an, 4:32.
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  - 34 *Ibid.*, p.17.
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- 44 cf. Asif A.A. Fyzee, *Outlines of Muhammadan Law* (London: Oxford University Press, 1986), p.380.
- 45 The Qur'an, 3:180.
- 46 The Qur'an, 10:34.
- 47 The Qur'an, 59:7.
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- 49 Khalifa Abdul Hakim.
- 50 Some commentators have concluded that *zakat* cannot be administered by a government. John Thomas Cummings, Hossein Askari, and Ahmad Mustafa have stated, "Obviously, in theory, *zakat* is to be given willingly not to be paid begrudgingly, if the divine law is to be fulfilled. Its obligations are to the community as a whole. They are to be made specifically and directly to the community's less fortunate members, not to an impersonalized government, nor to its revenue-collecting agencies." "Islam and Modern Economic Change" in *Islam and Development: Religion and Socio-political Change*, edited by John L. Esposito (ed.), (Syracuse University Press, 1980), p.27.
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76 Maxime Rodinson, *op.cit.*, p.21.  
77 The Qur'an, 17:26.27.  
78 The Qur'an, 6:152.  
79 The Qur'an, 7:85.  
80 The Qur'an, 49:10.  
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82 Shaikh Mahmud Shaltut, *op.cit.*, 101.  
83 The Qur'an, 24:38.  
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85 The Qur'an, 57:7.  
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87 Shaikh Mahmud Shaltut, p.101.  
88 The Qur'an, 9:36.  
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## ***Taqlid, Tajdid and Ijtihad: An Islamic Challenge to Modernity***

During the second half of the nineteenth century some very searching questions were being asked both by the Muslim and non-Muslim scholars about the traditional orthodox Islam. The approach of the majority of the Muslim scholars were apologetic in the sense that most of their intellectual energies were consumed in defending Islam against the attacks of Western orientalist, whose accelerated intellectual activities had resulted in a flood of literature, in which all the salient aspects of the Islamic ideology were subjected to carping criticism. The apologists realized that the doctrine had been stagnant for centuries, but for the time being their entire attention was focused on building defenses against enemies of Islam rather than finding ways and means by which these static conditions could be dispelled. The learned exposition of the Islamic doctrines in *The Spirit of Islam*<sup>1</sup> by Syed Ameer Ali (1849-1928) was a classic example of this kind of attitude. According to Ameer Ali Islam is the latest as well as the highest development of religious thought in the history of humankind. He said, “of all the religions of the world that have ruled the conscious of mankind, the Islam of Mohammed alone combines both the conceptions which have in different ages furnished the main spring of human conduct — the consciousness of human dignity, so valued in the ancient philosophies, and the sense of human sinfulness, so dear to the Christian apologist.”<sup>2</sup> Sir Muhammad Iqbal (1876-1938) the poet philosopher of Pakistan in his work, *The Reconstruction of Religious Thought in Islam*, and Muhammad Kurd Ali (1876-1953) who was for many years President of the Arab Academy at Damascus in his book *Islam and Arabic Civilization* were also apologetic in their approach towards conservative Islam; although in their life-time both savants were labelled by ultra-orthodox circles as too liberal. In spite of his fervent advocacy of *ijtihad*, Iqbal’s mind remained glued to Islam’s

glorious past, “No people, he said, can afford to reject their past entirely; for it is their past that has made their personal identity.”<sup>3</sup> Similarly Kurd Ali without being a reactionary always responded to the Western attacks on Islam with a deep-seated conviction that the Islamic doctrine was superior to all other contemporary ideologies in its ethical ideals, spiritual strength and human rights. He used all his scholarly resources to nullify the criticism of the Westerners against the thought and philosophy so eloquently depicted in the Qur’an. Like every staunch apologist Kurd Ali put up a strong defense for concepts such as *jihad*, polygamy and divorce that were so often ridiculed in Western literature.<sup>4</sup>

One could discern similar apologists in every Muslim land, where with the active support of the colonial authorities the Christian missionaries were working hard to misrepresent the ideals of Islam. The greatest allegation that the orientalist from Europe were using as a powerful weapon in their ideological way against Islam was that it was incapable of adapting itself to the change circumstances, and whenever anyone showed inclination to deviate from the path laid down by the past authorities he was immediately charged as being guilty of defection and was declared a renegade or a heretic. An article published in the Contemporary Review said, “But a system which the form is as divine as the spirit, institution as the truth, is a system which can allow no change, no progress. Islam is an elastic spirit placed in an iron framework. The progressive is sacrificed to the stationary.”<sup>5</sup> Lord Cromer who after the British occupation of Egypt ruled that country for many years made the following scathing criticism against the stagnant nature of the Muslim society.

Let no practical politician think that he has a plan capable of resuscitating a body which is not indeed dead, and which is nevertheless politically and socially moribund, and whose decay cannot be arrested by any modern palliatives, however skilfully they be applied. It should never be forgotten that Islam cannot be reformed, that is to say, Islam reformed is Islam no longer. It is something else and we cannot tell you yet what it eventually will be.<sup>6</sup>

Unfortunately the above mentioned attitude was so widespread and persistent, that the Muslim scholars whether apologists or reformists were extremely disturbed by these distortions.<sup>7</sup>

If attacks on Islam from outside were vicious, the conditions within the Muslim society were depressing and extremely disappointing. Due to sectarian fragmentation, irreligious practices, and juristic squabbles among religious scholars, there was a growing disenchantment among the masses about the efficacy of the religious doctrine to guarantee the material and moral welfare of the society. The rapid spread of

westernization further added to the confusion. It appeared that Islam was not changing but Muslims were undoubtedly being changed by both internal and external revolutionary forces. The strongest psychic element that eroded the confidence of the Muslims at this time was the feeling of material, social and intellectual inferiority that emerged after the prosperous and scientifically advanced Western civilization had made positive inroads into their lives. In other words, the climate was one of total bewilderment in which different prescriptions were being suggested by leaders with diverse educational and spiritual backgrounds. A powerful section of fundamentalists raised a battle cry that Islam was in danger, and hearkened the Muslims to hold fast to the traditional faith, and the laws of *Shari'yyah*, and God's blessing which once made them the pride of human civilization would be regained, and they would return to their role as leaders of humankind. "Back to the Qur'an." "Back to Muhammad" (The Holy Prophet) were the slogans that they preached from platforms and pulpits. But there were also Muslim reformers who searched for the solution of the problems in terms of contemporary rationalism, or would like to reinterpret the basic religious canons, and restructure social institutions so that they could develop some conformity with modern ideas. In their opinion, the irreversible world culture of science and technology could not be ignored. There were still others who anchored their destiny to mysticism. They renewed their faith in its efficacy as an antidote against crisis, because previously on numerous occasions in Islamic history, in times of turbulence mystical doctrines had been a source of great solace to the Muslim masses. And finally, there were those who were waiting for divine guidance through Mahdis, Imams and Messiahs, to give them a new light about the Faith. The rise of Mahdism<sup>8</sup> in Sudan and Sanusism<sup>9</sup> in Libya, were clear manifestations of such a tendency. The followers of these movements genuinely believed that their supreme guides had the sole remedy to dispel the perplexities of the age, and men could distinguish between right and wrong only through their teachings.

Over and above these religious and moral prescriptions the second half of the nineteenth century witnessed an ever increasing body of public opinion in every Muslim land that was dominated by staunch secularists. They were thoroughly overwhelmed by the superiority of the European political and social institutions. In the reformed version of a Muslim society, they would disengage politics from religion, and would relegate Islam to be nursed in the narrow world of human conscience. This was the direct result of Western education. Secularism was not being preached as a specific intellectual system, nor was it openly placarded in press or literature as something wondrous, but there were



evident symptoms of change in the attitude of the educated classes about social ideals. They were developing new prejudices regarding theological learning. In their opinion, Islamic civilization had been retrogressive for centuries and needed a new ideological thrust to move forward.

It was in the midst of these circumstances that Islamic reformation was sired by Muslim thinkers in various parts of the Muslim world. The fundamentalist and the secularist had very little chance of success. The traditional orthodox circles could not fight the entrenched skepticism about Islam among the colonial authorities and the indifference to religion that was becoming so prominent among the sections of the populations who were being educated in the Western tradition. They lacked proper organization and had very limited resources to establish and restrain a mass movement. The secularists were also at a disadvantage, because regardless of its stagnation, Islam was still the dominant force in the daily life of average Muslim.

It was due to this intellectual confusion that there was a need for a movement that would, satisfy the hopes and aspirations of the fundamentalists, and make those who were indifferent to religion once again somewhat enthusiastic about religious sentiments of the masses. Along with this, it would also dispel the skepticism of the colonial authorities and convince them about Islam's inherent adaptability and ideological flexibility. This is what gives the reformists a position of indisputable eminence among the architects of modern Islamic renaissance. They were the ones who struggled hard to convince everybody about Islam's dynamic and progressive mission. All that was needed was to denude it of the blind adherence to the precedent, and reactivate its pristine dynamism, by fresh interpretations. They were not questioning the validity and relevance of the fundamental principles; all they were asking was the abrogation of practices and institutions that had been created later in Islamic history to meet the social and political needs of the Muslims. In their opinion, the customs and cultural attributes had been hallowed and sanctified in the minds of posterity was un-Islamic. It had blocked the avenues of creativity, and made stagnation the common feature of life for a Muslim community. They were convinced of Islam's inherent ability to change and adapt itself to new situations. They pointed out that immediately after its rise, Islam was confronted with a Greco-Persian civilization, which had a totally different philosophical and social contents. The Muslims adapted themselves smoothly to it and, by synthesizing it with social and ethical ideals of Islam produced a civilization whose intellectual and scientific achievements constitute a luminous chapter of world history. In their opinion, the Muslims could

do the same in their present-day confrontation with the Western civilization.

To achieve this end, however, Muslims had to undertake the arduous task of self-criticism and self-evaluation, and find out the concepts that had shaped the ideological landscape of Islam since its inception. Moreover, they were expected to assess the value and validity of each one of them and determine which of them had the efficacy and effectiveness to re-establish the philosophical and institutional framework which had been previously used in Islamic history for doctrinal creativity that had kept the Islamic doctrine so dynamic and adaptable. They found that the history of Islamic ideology was dominated by *taqlid*, *tajdid*, and *ijtihad*. The first two concepts have remained prevalent throughout the fourteen hundred years of history in the Islamic religious scholarship, but *ijtihad* for a variety of reasons was abandoned. In order to comprehend the out-come of the present-day confrontation between Islam and modernity, it is essential to crystallize our thinking about these concepts.

### ***Taqlid***

*Taqlid* had been at the heart of the traditional orthodox Islam. Reinterpretation of the rules already enshrined in the writings of the past, Jurists were labelled as *bidda'*. Originally, *bidda'* was a practice or belief, which was not rooted in the Qur'an or Sunnah of the Holy Prophet. Later its meanings were extended to include anything that could not be found in the early Islam and in the magnum corpus of Islam jurisprudence as compiled by four *mazahib*, Maliki, Shafii, Hanafi and Hanabli. Any action or policy hat was contrary to the views of the founders of these schools of thought was declared *bidda'*.

Literary meaning of the term is to hang something around the neck. It is said that there was a practice, long discarded, that a marker was hung around the neck of a sacrificial animal to distinguish it from the rest of the animals which from the point of view of rituals were unsuitable for a sacred rite. Later *taqlid* became a sign hung around the neck of a public official so that he could be easily recognized and acknowledged by the public. This connotation became a criteria to declare any idea or an object a *taqlid*, which was popularly accepted or had become a sacrosanct tradition. Its application to religious affairs signified unquestioned reverence to the traditional point of view, in other words it became an antonym of *ijtihad*.<sup>10</sup>

## **Tajdid**

*Tajdid* means renewal and Islamic history provides ample testimony that it has been a continuous process. Very early Muslim reformers assumed that the revealed word of God needed to be redefined and reinterpreted from time to time so that the believers remained aware of the true meaning of the faith. Although reform and reinterpretation have always been considered a part of *tajdid*, but the consensus among the ulema has been that *tajdid* is basically a call to the faithful to revert back to the pristine ideals of the religious doctrines. It must be, however, kept in mind that *tajdid* is not a Qur'anic concept. It is based on a Hadith which states "God will send to the *ummah*, at the head of each century those who will renew the faith for it".<sup>11</sup> This Hadith has been a subject of wide variety of discussions and interpretations. There have been acute differences on the qualifications of the individuals who could be permitted to undertake this onerous responsibility, and there have been wide range of suspicions on the subjects on which renewal is desired. Muslim scholars have also differed with regard to the feasibility of the renewal. There is, however, complete agreement among them about the inherent usefulness of this Hadith in making Islamic ideology dynamic.

Sunnis had accepted this Hadith authentic, and felt no hesitation in acknowledging any outstanding *Mujadid*, particularly if he happened to flourish near the beginning of a new century of the Islamic calendar. Their faith in this tradition was further strengthened, because as Islam spread into other cultures it was not uncommon for local customs or rituals to become Islamized, and this in certain cases could be quite heretical. The confusion among theological circles of Islam was being further confounded by the infiltration of Greek philosophical thought, and particularly the rise of mystical cults in practically every Muslim community in the world of Islam posed a very serious threat to the ideological strength and simplicity of the message of the Qur'an and the mission of the Sunnah of the Holy Prophet. Students of the Islamic history of ideas are familiar with the fact that there was always competition between heretical doctrines and traditional Islam to cater the need for spirituality among the Muslims. *Mujadid's* role in this on going struggle was to alleviate the pain and anguish of this spiritual tug-of-war, protect Islam against heresies, and repair any damage that had been done to the contents of the religious doctrine. According to some Sunni accounts a *Mujadid* is equal in rank to the Pious Caliphs, except that he does not have the political authority of a Caliph.

*Tajdid*, however, is not possible unless one has a set standard, a permanent model or an unmistakable ideological yardstick to judge the

contemporary realities against it. By the time Islam entered the third century of its existence, the life of the Holy Prophet had been compiled with all the possible details, and his Sunnah had been purified of all previous ambiguities. The result was the believer could easily assume that the Qur'an and Sunnah of the Prophet represented the true Islam, and whatever else had accumulated under influence of custom and alien philosophies was un-Islamic. As a result of this, the number of *Mujadids* of the history of Islam were asked very fast, who flourished during different periods. They persistently strove to renew Islam in its pristine simplicity and spiritual and moral vitality. To illustrate what could be the profile of a typical *Mujtihad*, we will give a brief sketch of the work and achievements of two leading *Mujadids* of Islamic history.

Abu Hamid Muhammad al-Ghazali, who died in the beginning of the sixth century of *Hijrah* (d.505 A.H. – 1111 A.D.) is perhaps the first landmark figure in the history of the Sunni theology to be installed to the status of a *Mujadid*. It was mentioned earlier that when a religious crisis and chaos reached unmanageable proportions, Muslims always expected a *Mujadid* to appear on the scene, to protect the Islamic doctrine against the havoc of heresies. At the time that Ghazali flourished, the heartland of Islam, Baghdad, and many other great centers of learning and civilization in the Muslim Empire were raked with metaphysical discussions, and all kinds of mystical and heretical cults. Muslim scholars were particularly scared of the *batnis* who because of their secret and esoteric practices, looked like a kind of Islamic freemasonry. Philosophers and Sufis were also preaching and teaching doctrines which were entirely contrary to the spirit of the Qur'an and the Sunnah of the Holy Prophet. It was in the midst of this ideological bewilderment that Ghazali opened his intellectual eyes and experienced tremendous spiritual anguish before he discovered the right path to Islam, which earned him the coveted title of the leading *Mujadid* of his time.

Abu Hamid al-Ghazali was a protégé of Nizam al-Mulk, who was for thirty years a Prime Minister of two Selljuk monarchs, Alp Araslan (d. 1072 A.D) and Malikshah (d. 1092 A.D), Hitti calls him "one of the ornaments of the political history of Islam".<sup>12</sup> He is also remembered in Islamic history as one of the greatest patrons of learning and Islamic scholarist. To that effect, he established the famous Nizamiyah colleges in many cities. Nizam al-Mulk had appointed Ghazali, Chief Instructor of the Nizamiyah College in Baghdad, where for thirty years he taught law and philosophy and kept attacking the Islamic Shi'a Caliphate of Cairo as heretical. After the assassination of Nizam al-Mulk in 1092 by an Ismaili assassin, he almost had a nervous breakdown. He left the world in a state of extreme spiritual crisis and travelled as a rambling *darvaish*.

During this period of inner frustration and fermentation of his soul, he, however, read a lot about Sufism.

Ghazali left an interesting autobiographical account of his emotional and spiritual turbulence, which accompanied him practically at every stage of his spiritual and professional development. He described, that his retirement from academic career was not a march into intellectual wilderness. He studied all those disciplines, sciences and mystical practices which traditional ulema had detested. These reading helped him to undergo a dramatic metamorphosis in his thought. He has summed up this transformation in his thinking as follows:

In myself I know that, even if I went back to the work of disseminating knowledge, yet I did not go back. To go back is to return to the previous state of things. Previously, however I had been disseminating the knowledge by which worldly success is attained; by word and deed I had called men to it; and that had been my aim and intention. But I am calling men to the knowledge whereby world success is given up and its position in the scale of real worth is recognized. I had read thousands of books, then I left the people of Islam with their religion and their manifest sciences in these books, and I embarked on the open sea, plunging into the literature the people of Islam rejected. All this was in quest of the truth. At an early age, I fled from acceptance of others' opinions. But now I have returned from everything to the word of truth.<sup>13</sup>

After ten years of retirement and disorientation Sultan Sanjar of Khurasan persuaded Ghazali to come back to teach at Nizamiyya College Nishapur. In 1109, he left the College again and retired to Tus where he died in 1111 A.D. at the age of fifty-three.

Ghazali is remembered as perhaps the greatest theologian of Islam and is rated among the greatest *Mujadids* of Islamic history. His greatest work is considered to be *Ihya Ulum al-Din* (Revivification of the Sciences of Religion), but historians have recorded that in all al-Ghazali wrote seventy works. Some of the other well known works on which his reputation endures are:

1. *al-Munqidh min ad-Dalal* (The Saviour from Error)
2. *Tahafat al-Falafah* (Destruction of the Philosopher)
3. *Kimiya-e Sadah* (The Alchemy of Felicity)
4. *Mishkat al-Anwar* (The Niche of Lights)

His greatest achievement is considered to be the ideological bridge of understanding that he was able to build between Sufism and orthodox Islam. He is credited for having saved Islam from the menace of philosophy which had sowed the seeds of doubt and skepticism in believer's faith. In the *Ihya al-Ulum al-Din*, al-Ghazali compares human heart to a fortress, which has to be guarded against satanic intrusion.

Anger, desire, envy, and greed are the main gates through which *Shaitan* (Satan) leads his hordes of evil to attack this fortress. Religion and reason are the primary defenses against such inroads. If they are weak, Satan and his evil forces have every chance of being triumphant in human life. So far as moral accomplishments are concerned he has divided humanity into four groups:

1. The first are those who are heedless who do not distinguish truth, from folly and beautiful from the base.
2. Those who know well enough the baseness of what is base, but they do not become habituated to good conduct because they consider that their evil conduct is something enjoyable.
3. Those (who) actually approve of base disposition maintaining that they are necessary, right and beautiful.
4. The fourth kind are those, who along with what accompanies corrupt beliefs and practices, see also a sort of virtue in their very excess of evil and the destruction of lives.<sup>14</sup>

Ghazali was convinced that the times were out-of-joint. Wickedness had been unleashed in the world, and Satan was gloating over his triumph in wrecking moral integrity and peace and happiness of humankind. In his treatise called *Nasihah al-Muluk* (Counsel for Kings) he has depicted the socio-political scene of the world of Islam as follows:

The reason why we are saying so much on this subject is that our present age is an exceedingly wicked one. The people are wicked and the Sultans are preoccupied with the lower world. With wicked people things cannot be set right through tolerance and indulgence...power to Inspire awe and maintain discipline are essential if the individual is to be able to go about his business and if the people are to have security from one another...people's outlook has been corrupted and in which they have all grown wicked in both deed and intention.<sup>15</sup>

Ghazali's entire intellectual thrust was directed towards eradication of the corruption and wickedness from the lives of the believers. Resuscitating allegiance to religion was the only way by which damages done to the faith could be repaired. He interpreted Sufism in a manner that nullified the fears of the traditionalists against mysticism and through the weight of his status as a leading theologian of the age he was able to make Sufism almost a part of the Sunni version of the Islamic faith. But in his criticism of *falasma*, he remained so fierce and uncompromising that it almost disappeared from the studies of Sunni doctrines.

By his profundity and comprehension, of the Qur'anic thought Ghazali was also able to remove exclusionist tendencies from Islam which had been the most unfortunate development in the history of Islamic doctrine. He created a climate of unity in diversity in the ideological landscape of Islam. Before him each school of thought, and each Sufi group claimed monopoly of knowledge and understanding about the contents of the Qur'an, and they castigated each others as infidels, misguided and heretics. The world of Muslim scholarship looked like a battleground in which competing groups or opposing forces had completely abandoned prudence and spirit of compromise. Ghazali opened a new era of intellectual harmony and spiritual affinity among warring factions of Islamic spirituality. This, however, did not mean that theological and philosophical frictions disappeared from Islamic history completely, but Ghazali's remarkable efforts in synthesizing major doctrines reduced disputations among Muslim scholars considerably. Cyril Glasse has described this monumental achievement of Ghazali in the following words.

After al-Ghazali the voices of the different schools were not stilled, but had a fresh measure of unity and harmony had been achieved. What had become differentiated in history from the pristine unity of the Prophet's time, became reintegrated a new upon a different plane. With it came a sense of hierarchy and a tighter re-marshalling of society's intellectual faculties to enable it to respond to the needs of a sophisticated civilization. It was as if the center had reasserted itself, and as if al-Ghazali had looked at the pieces of a puzzle, each claiming to be the complete picture of Islam, and put them all in their proper place. There emerged the image of a new organism, a complete body with mysticism of Sufism as the heart, theology as the head, philosophy as its rationality binding the different parts together, and law as the working limbs. Islamic civilization had come to maturity.<sup>16</sup>

Shaikh Ahmed Sirhindi (d 1054 A.H./ 1625 A.D.) was a renowned religious scholar of South Asia, and in the Islamic history of the subcontinent he is universally revered as *Mujadid Alf Thani* (Renewed of Faith in the second millennium) because his career as reformer marked the end of the first thousand years of the advent of Islam. Although India had been under Muslim rule for several centuries, but due to the overwhelming majority of the Hindu population Islamic faith was subjected to the influence of vast variety of Hindu customs, rituals and vedantic mystical philosophy which was rooted in asceticism and self-abnegation. The Mughal Emperor Jalal-ud-Din Akbar (1556-1625 A.D.) by amalgamating Hindu pantheistic philosophy and Islamic mysticism created a new religious doctrine called *Din-i Elahi* which completely

stunned and shocked the Muslim orthodox circles throughout the empire. Ira Lapidus described Akbar's tinkering with spirituality of Islam as follows:

Akbar set the new pattern on several levels of religious and cultural policy while he appealed to the Muslim scholars by the endowment of madrasas and libraries, he also supported the Chishti order which was tolerant of synthesis between Hinduism and Islam and started a state cult called *Din-i Elahi* or divine religion, with the emperor himself considered to be the Sufi master of a religious order.<sup>17</sup>

It was due to this spiritual syncretism under the royal patronage that created acute restless among Muslim religious circles of South Asia, and they felt that there was an acute need for the renewal of faith, and when Shaikh Ahmad Sirhindi started his doctrinal renaissance, and waged a war against prevalent heresies, he was easily acknowledged *Mujadid* not only for the century but for the entire second millennium. Originally he had been inducted into the *Naqshbandi* mystical order, but seeing how vigorously in certain religious quarters efforts were being made to Hinduize Islam, he became a lifelong defender of the laws of *Shari'yyah*. He vehemently denounced Ibn al-Arabi's (560-638 A.H./1165-1240 A.D.) metaphysical basis of the religious doctrines and unreservedly criticized Sufi's practices of Hindu origin. Worship of saints in his opinion, was a *bid'ah* (sacrilegious innovation) of a very serious character, and smacked of the paganistic custom of idol worship. He considered Hinduism and Islam as totally opposed to each other in spirituality. *Jihad* against non-Muslim in his opinion was religious obligation for the Muslims, and he strongly criticized Muslim rulers and nobles who succumbed to un-Islamic practices.

### ***Ijtihad***

Ahmad Galwash an Egyptian scholar is of opinion that *ijtihad* means the exercise of Judgement to meet the new circumstances.<sup>18</sup> Maulana Abul Ala Mawdudi who is acknowledged as one of the leading and very effective exponent of the resurgent Islam in post-World War II era has given the following definition of this critical term of Islamic Law and Politics:

The whole of this legislative process which makes the legal system of Islam dynamic and makes its development and evolution in the changing circumstances possible results from a particular type of academic research and intellectual effort, which in the terminology of Islam is called *ijtihad*. Literally the word *ijtihad* means to put in the maximum effort to ascertain in a given problem or issuing the injunction of Islam and its real intent.<sup>19</sup>



The root of term *ijtihad* in Arabic is *juhd* meaning striving, a strenuous effort and conscious and determined mental or physical exertion. Applying it to legal research and law making in Islam, Vesey-Fitzgerald has explained in the following word:

The *mujtahids* are the earliest expounders and architects of the law; and *ijtihad* is the mental discipline of their profession. The word connotes a power of making law, of deducing new principles and applying them to the new facts. In theory, as we have already said this mental discipline resulted in the discovery of the law of God on the basis of revelation according to the accepted categories of the *usul al-fiqh*.<sup>20</sup>

Another Western scholar after examining various connotations of the term *ijtihad* has come to the conclusion that it means, striving, truth-seeking, the individual opinion or judgement of a person who has considered all facts in the light of reason and revelation.<sup>21</sup> The early exponents of the Muslim law were fully convinced that by resolving problems and issues of life through independent reasoning they were not violating the sanctity of the Qur'an. In their opinion, the Holy Book, and the life of the Prophet provided ample testimony that in times of need, referring matters to knowledgeable persons for their thoughtful reflection was the most desirable course of action. The verse of the Qur'an which is often used in support of *ijtihad* is as follows:

And if any tidings, whether of safety or fear, come unto them, they voice it abroad, whereas if they had referred it to the Messenger, and such of them as in authority, those among them who are able to think out the matter would have known it.<sup>22</sup>

In the above verse the Arabic word used is *Yastanbitana* which means "to search out" and is derived from Istanbul signifying the exploration of hidden meaning by the use of judgement and reason. The substance of Qur'anic injunction has been eloquently elucidated by a famous Hadith of the Prophet. This tradition is frequently quoted by every proponent of the *ijtihad* and is deemed to be authentic in its origin. It established that human reason is a powerful supplementary source of rule making in *Shari'yyah*. In view of its importance and because of the frequency with which it is quoted in the literature it would be in the fitness of things to reproduce its text in full. It says:

On being appointed Governor of Yemen Muadh bin Jabal was asked by the Holy Prophet as to the rule by which he would adjudicate. He replied "by the law of the Qur'an" but if you don't find any direction in the Qur'an, how would you decide asked the Prophet. He replied, "I will apply the Hadith Sunnah." "But if you don't find any guidance in the Sunnah as well He asked. "I will then exercise my judgement and act on

that”, came the reply. The Prophet raised his hand and said, “Praise be to Allah who guides his Messenger as He pleases.”<sup>23</sup>

The bulk of the legal principles which govern civil and criminal law in Islam, and large number of regulations which pertain to personal law are derived out of the independent reasoning of the Jurists. In fact many vital and fundamental concepts on which the superb structure of Muslim *Shari'yyah* rests were propounded as an effort to accommodate the challenges generated by the sudden spread of Islam to lands outside Arabia. Ability to exercise independent judgement was considered the greatest mental equipment of *mujtahids* whose names are still revered in the annals of Islam. They are still considered the greatest interpreters of the Qur'anic ideology. The common belief among Muslims is that *ijtihad* was resorted to by jurists probably after the first century of *hijrah*, but there are scholars who are convinced that even during the life of the Holy Prophet and immediately after him several of his leading companions, made frequent use of *ijtihad*, judgement to resolve issues and problems that confronted them. Hazrat Abu Bakr, Hazrat Umar, and Hazrat Ali, Ibn Abbas, and Ibn Umar, are counted among the outstanding *mujtahid* of Islam. All of them gave independent judgements based on personal reasoning, subject only to a single reservation that they were not in any way repugnant to the spirit of the Qur'an and the Sunnah of the Prophet.

The question which, however, has repeatedly been asked, is, if independent reasoning was such an important and integral part of the Qur'anic ideology, then why so early in its history, it was abandoned especially when it was so clear that without its application ideological dynamism of the religious doctrine would be drastically curtailed. There is no precise historical evidence to show, that where and by whom the doors of *ijtihad* were closed. Several plausible reasons have been put forward by different schools of thought. The opinion commonly held by scholars is that in the evolution of Islamic theology there reached a stage when jurists under great pressure from the rulers were being forced to make distorted interpretations of the Qur'anic principles. The primary objective of the rulers was to find legitimacy for their laws and deeds which apparently were not supported by religion. It was at this juncture that scholars decided to discontinue their privilege of interpreting the law, thinking that in the continued bewildering maze of wrong interpretations the true message of the Qur'an would be lost. The only way they could stop this trend was to permanently close the doors of *ijtihad*. Another school of thought considers that *ijtihad* suffered demise in a showdown between Hellenic rationalism which had been infiltrating fast in the Islamic circles, and strict orthodoxy, which felt threatened by the advocacy of the rationalists who were trying to establish supremacy

of reason over revelation. It was particularly true under the early Abbasides, when Hellenic learning was accorded official patronage, and translations of Greek treatises made at the *Bayt al-Hikmat* were being included in the curricula of schools and colleges. Religious scholars were stunned at the brazen propaganda of certain rationalists whose theories were completely against Islam. It was in this desperation that they decided to close the doors of independent reasoning. Under royal patronage rationalism had become a complete science called *Ilm al-Kalam* and the rationalists popular known as *Mutakallimeen* were assuming overwhelming role in the political and educational life of the Muslim community. In the history of the Muslim scholarship the ulema and the *Mutakallimeen* fought countless intellectual and philosophical duels which became a source of perpetual confusion in Islam, and one is not surprised that in this religious controversy since the rationalists were relying heavily on *ijtihad*, the orthodox circles eliminated *ijtihad* as a valid source of rule-making.

It is difficult to count the adverse effects of this intellectual catastrophe on the growth and development of Islamic ideology, but one thing can be said with certainty that it locked creative thinking and damaged some of the sterling excellencies of the Qur'anic doctrine, which as mentioned earlier, need constant reappraisal. It has been shown before that fundamentals of Islam are not subject to review, but there is such a vast area of human discretion allowed by the religion, that the principles evolved in it could be reassessed by succeeding generations of scholars. After closing the doors of *ijtihad*, however, Muslims were disallowed to make independent judgement even in this field, and they became a community of *muqallidin*. Search for precedent, and memorizing quotations from the judgements of early theologians became the hallmark of Muslim scholarship. The result of all this was that creativity which was such a unique characteristic of Islamic faith disappeared from the thought and philosophy of the Muslims. The spirit of healthy inquiry with which Muslim scientists had explored the universe was finally quenched. In the field of religion itself, since no fresh thinking was being done to harmonize it with new realities, the concepts and ideas stagnated, fights and bickering among different schools of thought multiplied and ideology that had built-in-mechanism for rejuvenation was reduced to package of rigid dogmas, rites and rituals.

This state of affairs lasted for centuries, and Muslims who had led human civilization with such distinction for a short period of time, sank in historical oblivion. Later in Islamic history a stray voice could be

heard in defense of *ijtihad* but on the whole, the doors of *ijtihad* remained closed.

Without going into the detailed history of Islamic Jurisprudence, in order to understand the nature of *ijtihad* it is important to know the fact that by the middle of the tenth century the bulk of the Jurisprudential principles with vast variety of elaborations had been completed. Four schools of Islamic Jurisprudence, i.e., Hanafi, Maliki, Hanbali and Shafii had been formed and judges in different part of the Muslim empire had adopted one school or another as the ultimate index of the laws of *Shari'yyah*. Although exposition of laws were fairly exhaustive in very school of jurisprudence, but still changing socio-political realities could raise contingencies which would require rethinking of the old concept or demand fresh interpretation of the rules of the *Shari'yyah*. Hanafi, Maliki and Shafii jurists, however, for a variety of reasons closed the doors of *ijtihad* and proclaimed that whatever laws had been formulated before could not be reinterpreted, and precedents already established remained the supreme touch-tone for the validity of all future eventualities. Hanbali jurist a section of Shafia Jurisconsults however remained adamant and declared that the doors of *ijtihad* could not be closed and that any qualified scholar had the right to issue a rational and independent rule or statement concerning *Shari'yyah*. The principle of *taqlid* was totally abhorrent to them. The later history of Islamic law showed that even the Jurist had closed the doors of *ijtihad*. Judges could not possibly abstain entirely from making compromise with new realities. In other words in theory, Muslim Jurist of the Hanafi, Hanbali and Shafi schools remained committed to *taqlid*, but in actual practice the rigidly of the concept was broken very frequently. This was a very anomalous and rather a tragic situation because it denuded Islamic legal scholarship of the required amount of courage needed to meet the challenges of changed circumstances. In the midst of this intellectual confusion one thing could be said with certainty that Islamic legal tradition contrary to popular view and regardless of its built-in-rigidity remained plastic and accommodating. Ira Lapidus, has summed up this crucial aspect of Islamic law in the following word:

The standard of legal reasoning also declined and logical consistency broke down. In many cases the guiding principles of law were lost in favour of eclectic dependence on analogy from individual cases. The law took the form of a vast reservoir of case materials and precedents which could be used as the basis of Judicial decisions but no longer offered a rigid cadre of rules for the regulation of social familial and commercial matters. The possibilities for individual interpretation and selection and of the repertoire of numerous Jurists combined with discretion of Judges in the application of the law gave Islamic law almost boundless flexibility in practice!<sup>24</sup>

Although it is common among scholarly careless of Islam to assume that the doors of *ijtihad* were closed after the fall of Baghdad in 1256, but careful examination of history of law and politics could easily show that it does not seem to be a valid conclusion. History of Islamic Judiciary shows that in each Muslim kingdom two public offices of indisputable significance were those of Qazi and Mufti-Qazi heard cases, examined witnesses and administered Justice, while Mufti interpreted law, searched for rules in the authentic books of *fiqh* and if no regulation or precedent was available he would give his own interpretation, called *fatwa*. Every *fatwa* was based on the individual reasoning of the Mufti, and was in essence was an *ijtihadi* act. It is sometime called *ijtihad al-Sagheer* but still it is a product of independent human reasoning!

Among the leading scholars of Islam, the landmark figure who before the modern reassertion of *ijtihad* as a vital tool of the Islamic religion and scientific knowledge, highlighted the importance of *ijtihad*, where Imam ibn Tamiyya, Muhammad ibn Abd-al-Wahhab in Arabia, and Shah Wali Allah in South Asia.

Imam Taqi al-Din ibn Tamiyya is acknowledged as one of the greatest landmark figures in the history of Islamic theology. As a staunch Hanbalite he waged a life long crusade against the stagnation that had blanketed the Islamic thought which had made bulk of the believers *Muqqalideen*. This attitude brought him into clash with powerful and deeply entrenched religious establishment. The Mauluk Sultans of Cairo who ruled the Muslim empire through puppet Abbaside caliphate in Cairo supported the traditional ulema and took strong steps to stop Ibn Tamiyya's unorthodox and revolutionary ideas from spreading among Muslims. The result was that he spent many years of his life in prisons of Cairo and Damascus. He died in a Damascus prison in 1328. Ibn Tamiyya is considered to be the leading proponent of *ijtihad* who denounced in unmistakable terms, all those mystical cults and sects which had become such a conspicuous feature of popular Islam. In his opinion, the Qur'an and Sunnah of the Prophet alone were unalterable, while the rest of the principles, institutions and practices designed by Jurisconsults regardless of their status as theologians as *fiqhees* could be challenged if they had lost their utility. *ijtihad*, he pointed out was a continuous process, and its doors could never be closed. He favored the idea that every believer had a right to establish direct contact with God and declared that seeking intercession of saints in this matter was sacrilegious. John Alden William has described Ibn Tamiyya's status in the history of Islamic theology as follows:

Ibn Tamiyya is the Islamic Martin Luther unafraid to say that the doctrine of *ijma* or consensus that when the community joins together on something it is

always right is wrong, willing to break with history, tradition and religious authority to insist that anything that could not be justified by Qur'an or Hadith has no place in Islam. He is undoubtedly a theologian, despite his attacks on theology, and we find in his work a *neo-Hanabli Kalam*. Along with al-Ghazali, he is a theologian of decisive importance in Islam!<sup>25</sup>

During his own lifetime bulk of the tradition-bound religious circles vehemently criticized him for breaking the myth of *taqlid* and condemning mysticism and saint worship as totally un-Islamic, but posterity has acknowledged him as one of the greatest *mujtahids*. His teachings became a source of many revolutionary movements in later Islamic history. He emphasized that in a Muslim society, state has a very important and decisive role to play. Without the coercive power of the state survival of Islam as a religious doctrine, and a working ideology in the conduct of day to day affairs of believers was not possible. He also declared that it was not essential that Muslims of the world should reside under the religio-political canopy of a single caliphate. The ruler in any Muslim kingdom who strictly adhered to the laws of *Shari'yyah* could declare himself *Khalifat al-Rasul*.

Ibn Tamiyya rejuvenated the role of the ulema in politics. He actively participated in wars against the Mongols when they attacked Damascus, and wanted *Shari'yyah* to be the basis of political and legal issues, and he savagely criticized rulers who ignored the input of the religious scholars in decision making. He questioned the legitimacy of all scholars who ruled the Muslim empire after the early pious caliphate. By igniting political activism among the religious classes he dramatically changed the theoretical framework of Islamic laws and politics.

Ibn Tamiyya's greatest disciple was Muhammad ibn Abd al-Wahhab who started the revolutionary Wahhabi movement for the purification Islam, which is still the dominant ideology of Saudi kingdom. His influence is also prominently discernible in the writings of practically all the ideologues of the Sunni version of the present-day revolutionary fundamentalist movements in practically most of the Muslim countries of the world. Leaders of these movements are voicing today similar ideas, which motivated al-Wahhab to dispel the hypnosis of the past interpretations of Islam. Ibn Abd al-Wahhab was a staunch believer of "informed independent judgement" even if it clashed with the opinions of the leading medieval scholars. He would like the Muslims to concentrate entirely on the Qur'an and Sunnah of the Holy Prophet and do the same as what the past authorities did, i.e. interpret the contents of the two sources to reconcile them with the realities of the time. In other words Muslim scholars could bypass non-scriptural elements of *Shari'yyah* in evaluating Islam for modern times if these elements

hamper true understanding of Islam, or have lost their efficacy or relevance. Although today Wahhabis' around the world have raised Ibn al-Wahhab to the same status as the Jurisconsults of the medieval Islam, but they still remain deeply attached to the idea that *ijtihad* is the cardinal principle of the faith. John Voll has described this aspect of the Wahhabi doctrine as follows:

The responsibility for defining the specifics for the application of the Qur'an and the Sunnah to a particular situation remains with the individual exercising *ijtihad*. Like other practitioners of *ijtihad*, Ibn Abd al-Wahhab did not depart radically from the main lines of interpretations over the centuries. However, if the initial teacher is a persuasive and effective leader, a tradition of interpretation capable of gathering its own momentum could emerge. Ibn 'Abd al-Wahhab has, for example, remained a pre-eminent authority for his descendants, but the practice of *ijtihad* by another teacher remains possible within the Wahhabi tradition and is in fact characteristic of most modern Sunni fundamentalist movements.<sup>26</sup>

Shah Wali Allah, a scholar of indisputable eminence in the Indo-Pakistan sub-continent, was probably among the earliest exponents of the *ijtihad* in the modern history of Islam. His perceptive mind was deeply troubled by the political turmoil in South Asia, which followed the death of Emperor Aurangzeb Alamgir in 1707. His death dealt a serious blow to the supremacy of Islamic culture on the sub-continent, and the Muslims in general were threatened with the loss of their identity. It was in this state of acute crisis that Shah Wali Allah, with his enormous wealth of knowledge, devotion and creative abilities, tried to strengthen Qur'anic ideology by rediscovering its inherent dynamism, which had been so badly crippled since the closing of the doors of *ijtihad*. It is an established fact that in South Asia no other single savant of Islam has exercised such deep influence on the later generations of Muslim thinkers as Shah Wali Allah. Every reformer who came after him in one way or another, was inspired by him.

Shah Wali Allah was born in 1703, four years before the death of Emperor Aurangzeb. His father, Shah Abdul Rahim, was also a renowned religious scholar and was one of the compilers of *Fatawa-i-Alamgiri*, which is acknowledged among orthodox circles as one of the greatest compendiums of juristic interpretation of Islam in this part of the world. After his early education at home, he studied hadith in Madinah under Shaikh Abu Tahir Muhammad ibn Ibrahim al-Kurdi, and attended lectures of Shaikh Sulayman Maghribi on Maliki jurisprudence. It is just a coincidence of history that while he was studying in Arabia, another great Muslim reformer of modern history, Muhammad ibn Abd al-Wahhab, was also pursuing his theological studies in the holy cities. Recent accounts of the modern history of Islam describe Shah Wali

Allah a 'scholar-revolutionary'. He was revolutionary in the sense that he wanted to change the traditionally accepted orthodoxy, which in his opinion, were not warranted by the Qur'an and the Sunnah. In his opinion, the Islamic doctrine had lost its impact on practically every area of human activity. He believed that unless there was thorough rejuvenation of the Qur'anic ideology chance to salvage the Muslim community from its political, economic and social ills were remote. He provided a total picture of his views and opinions in a monumental work entitled *Hujjat Allah al-Baligha*. The book was designed to give a liberal and comprehensive reinterpretation of Sunnite theology. He argued that Islam was universal and eternal. Its message and influence were beyond the regimentation of time and clime, and yet every where due to confusion and stagnation, Muslims were getting disenchanted with it. The fundamental purpose of the *hujjat* was to search for the causes of this disenchantment. After surveying the entire ideological growth of Islam Shah Wali Allah came to the conclusion that the closing of the doors of *ijtihad* sealed the foundation of creative thinking in Islam. He was hopeful that the situation was not completely irretrievable. The introduction to *Hujjat Allah*, he wrote. "Time has come that the religious law of Islam should be brought into the open fully dressed in reason and argument."<sup>27</sup> In order to reduce the impact of *taqlid* on the Muslim community, Shah Wali Allah advised that authentic Hadith were to be preferred to the rulings of the *fuqaha*. He was not advocating total abandonment of the *mazahib* of law. His primary objective was to demonstrate that *ijtihad* was the vital source of law. He also castigated the popular mystical customs of Indo-Pakistani Muslims and their saint worship.

Shah Wali Allah's interest in *ijtihad* was so keen and profound that he wrote a special treatise on the subject entitled *Iqd al-Jid Ahkam al-ijtihad wal-taqlid*.<sup>28</sup> In it he expounded his ideas on the 'speculative reconstruction of the religion in depth, and tried to prove that *ijtihad* was a positive and legitimate instrument, to understand the derivative principles on cannon law.' The main thrust of his argument is that extremism in religious doctrines erodes the foundation of the faith. He argued that the survival of an ideology depended on its built-in plasticity, and the extent to which it was receptive of change. An ideology which inhibits infusion of fresh thinking, in his opinion, could not survive too long. In spite of his fervent support for *ijtihad*, Shah Wali Allah would not like it to become a general license for free thinking in religion. He seriously cautioned the Muslims against such an attitude. Knowledge, prudence and honesty should be the governing forces behind the commitment of a *Mujtahid*. *Ijtihad* is progressive without being radical



or destructive. It is for these reason that Fazalur Rehman says that, “Wali Allah can be said to have in a basic sense, the founder of Muslim Modernism even if living in pre-modern age.”<sup>29</sup>

As mentioned earlier, Ibn Tamiyya, Ibn Abd al-Wahhab, and Shah Wali Allah was indisputably eminent scholars of Islam, but their advocacy of *ijtihad* did not become a popular intellectual movement among the Muslims. Their views had to wait for receptive religious, cultural and political environments which appeared during the second half of nineteenth century, to become a beacon for widespread interest in the reinterpretation of many important principles of the commercial law. During this period, European powers entered the world of Islam to establish colonial domination. They were vastly successful, and blanketed many predominantly Muslim lands with colonialism. Soon after their arrival, the colonial authorities started emphasizing that Islamic religion and culture were not only spiritually and intellectually stagnant, but also had a deep-seated antipathy to reason and rationality. Foreign rulers and at their behest, the Christian missionaries spared no effort to prove that Islam had kept the Muslim nations backwards and the everything in the popular Islam was against emerging Western trends of liberalism and secularism, this campaign of vilification against Islam was so powerful, that it led to the rise of several reformative movements among Muslims. Their proponents were drawn both from the religious and educated classes, and they decided to put up strong ideological dikes of defense against the growing onslaught of Western criticism against their religion which they had been accustomed to believe, was God’s last and final message to humanity suited to all eventualities. Therefore it became one of the primary preoccupation of the Muslim reformers during this period to establish that Islam was not against reason science and technology in order to prove that they had to make use of *ijtihad* vigorously. The task before the reformers, however, was a difficult one. It needed an eradication of numerous deep-seated orientations from the popular Islam. In this reformative crusade they relied heavily on the Qur’an and the Sunnah of the Prophet, because without this, their thesis would have seemed patently hollow. They would point out that even a cursory glance over the ideological contents of the Qur’an was sufficient to convince an observer that Islam enjoined upon its followers to think rationally and act righteously. It is an action oriented philosophy, and makes human reason a very important factor in a shaping the pathways of life. Muslims are repeatedly urged to make scientific assessment of facts and not to accept anything unless it is verified by empirical evidence. This was a claim, however, that was so radical that unless it

could be supported by the Qur'an, and the Sunnah it would not be accepted by the masses.

They pointed out that in the Qur'an there are numerous verses which show in unmistakable terms Allah's omnipotence as a creator. The wonders of the universe, the bewildering variety of animal species that inhabit the earth, the movement of the heavenly bodies, the gorgeous and spectacular vegetation, and the enduring majesty of the mountains and oceans, are eternal signs of His greatness. They eloquently testify that he is omnipresent and omni-competent. For an anxious and searching soul these manifestations are indisputable. The Qur'an says: "LO; in the creation of the heavens, and the earth and (in) the difference of night and day are tokens (of His sovereignty) for men of understanding".<sup>30</sup>

There is no doubt that the life of man is surrounded by imponderable mysteries, but it is the duty of a Muslim to uncover the secrets buried deep in the bosom of nature, through the endless activity of his mind. A true believer reads in floods rains and clouds, the *ayats* of the Creator. It is primarily to fulfil their spiritual obligations to the faith that early Muslim scientists and philosophers plunged themselves in the acquisition of knowledge with insatiable gusto. They achieved remarkable results and left a luminous legacy in the history of scientific thought. In other words, Islam is an ideology in which faith and reason are advocated with equal emphasis. Moreover the Qur'an is very lucid in pointing out that an individual's life in society ought to be positive, dynamic, gainful, and effective. The Prophet's saying, such as, "Seek knowledge from cradle to the grave," and, "Seek knowledge even in China," provided everlasting inspiration to generation after generation of Muslim scholars during the early history of Islam.<sup>31</sup> The Holy Prophet affirmed that search for knowledge is an act of piety, and teaching is like bestowing alms, for which God Almighty has promised great rewards. A soul that is lit with knowledge is closer to blissful Heaven, and its impact dispels the tedium and monotony of man's routine existence, and guides him on the path to happiness and prosperity. In other words, there is no doubt that both the Qur'an and the Hadith — the two primary sources of Islamic ideology — put utmost emphasis on knowledge. The term *ilm* has been mentioned in the Qur'an at least 750 times.<sup>32</sup> One of Allah's own names is *al-Alim*. The traditions of the Holy Prophet are also replete with references which show that the Prophet considered knowledge a great fertilizer of human mind and repeatedly emphasized that in order to get maximum harvest out of human existence it is essential that one's mind be enriched by input of continuous learning. A tradition in al-Bukhari says that disappearance of knowledge and absence of scholars from

society would spell the demise of human civilization. Similarly Abu Dawud, has copied many traditions of the Prophet which show that knowledge gives spiritual and moral radiance to life and is an effective instrument for material gains. Without input of fresh knowledge and understanding society will remain blanketed with ignorance and stagnation. Outside the boundaries of the fundamental principles which constitute the crux of the religious doctrine, human reason has been given substantial freedom to explore in depth everything with reason and rationality. The importance which the Qur'an attaches to knowledge can be explained by the fact that it has been declared an integral part of the Faith. In it reason and revelation are considered two facets of the same reality, provided reason does not transgress the boundaries of the divine laws.<sup>33</sup>

It is not merely the search for knowledge that has been elevated to the level of a spiritual activity, but there is also positive injunction that this knowledge be rational. Knowledge which is not rooted in rational understanding can hardly make any contribution to human welfare. The verb "*aqala*" has been used about fifty times in the Qur'an. It means human ability to connect ideas together, an aptitude for reasoning and capacity to understand intellectual argument. Rodinson points out that at thirteen different places in the Holy Book, a sentence's *fi la taqilun* (have ye then no sense) has been used, which shows that the Qur'an demands of its followers that in their debates and discussions they should be sensible and intelligent.<sup>34</sup> Moreover, infidels and unbelievers are castigated as people who lack intelligence and whose intellectual capabilities have been paralyzed. Human beings are inherently conservative and have tremendous capacity for rationalizing their subservience to precedence and opposition to innovation. It was from these circles that the Prophet of Islam encountered the biggest opposition. In His message he gave ample evidence, that hostility to new ideas, simply because they are contrary to custom is a sign of ignorance. Every custom which is revered today, must have started as an innovation, therefore to resist change merely on the ground that it repudiates some established practice does not appeal to reason. The Qur'an gave whole-hearted support to the Prophet in his universal crusade against ignorance and man's intellectual backwardness. In the Qur'an Allah administers a severe reprimand to those, who refuse to re-examine their philosophical and social ideas. In his eyes, those people are the most detestable of all, whose thinking has been contaminated because of stagnation. Allah has given indications and irrefutable signs which point towards eternal truths. All what is needed is for men to direct their senses and reasoning faculties towards them and they cannot miss the deductions which the

divine will want them to draw. This is the kind of knowledge which is rational because it leads men to *haqq* and *sidq*.

It is a matter of common knowledge that in Islam all facets of human existence are examined and assessed in very pragmatic terms. Piety which under normal circumstances is a very ambiguous term has been inculcated with great precision. Piety in Islam, is not merely a spiritual embellishment. Islam preaches active piety or applied piety, which means it needs to be reflected in all religious, social and material areas of human activity. Even a cursory examination of the ideological contours of the Islamic doctrine clearly shows that it goes much beyond sermons, hymns and rituals, and evolves the whole conceptual framework of life in precise terms. Everything is measured in the form of social and moral calculus; men are given clear choices with calculated exactness. There is hardly any doubt left about the rewards and punishment or gains and losses. Relationship between God and man is judged by immutable laws of commerce.<sup>35</sup> If certitude is the highest watermark of man's rationality and scientific thinking, there is hardly any other religious doctrine according to Rodinson which describes body of divine laws in such a definitive manner as Islam. In all these precepts, however, the Qur'an, continuously tries to establish the superiority and supremacy of the Revelation over reason, but this according to Rodinson should not be a cause for anxiety or a source of discouragement to anybody, because careful examination of the revealed work, and normal dictates of human reason, can show that inherently there is no conflict between the two. In essence, like every other religion Islam has made reason subservient to faith, but it accords to reason much bigger and wider role in man's life than is commonly accepted in the sacred texts of Judaism and Christianity.<sup>36</sup>

During the nineteenth century when the Islamic reformation started, the reformers were convinced that unless people antipathy to rationalism was dispelled, the universal stagnation that had brought so much disrepute to Islam could not be ended. They often used the verses of the Qur'an, and the Traditions of the Holy Prophet to indicate that the resistance to change and modernity so widely rampant among the orthodox circles was entirely un-Islamic. Egypt probably was the first Muslim country to be directly exposed to western education and one is therefore not surprised that it was in this country that the movement for religious reforms first saw the light of day. Moreover it was here that the early battles between modernization and orthodoxy were fought with their innate virulence. Al-Azhar had been for centuries the highest seat of religious scholarship in the Muslim world, and this also contributed a

great deal in making Egypt a leader of religious controversies that raked Islam during the last century.

Another change against Muslims was that they were fatalistic, and their mystical proclivities bred in them intellectual inertia that killed their spirit of inquiry. Muslim modernists have been very critical of fatalism and mysticism during the past two centuries. The two are complementary to each other. A mystic generally has a tendency to repose unmixed confidence in fate, and a fatalist in pursuit of his sense of resignation unconsciously develops mystical tendencies. There is no doubt that during the various period of Islamic history, countless number of believers had lived a life of complete resignation, believing that inscrutable fate was the primary determinant of human destiny. They condemned those who were ambitious and aggressive in their aspirations. The same is true about mysticism. In every Muslim land mystical doctrines were very popular phenomenon, although their spiritual and moral contents varied a great deal. In spite of the growing differences, however, practically all of them were spiritually and ideologically geared to passivity, meditation and indifference to worldly gains. Since both predestination and mysticism have always exerted such a profound effect on the thought process and behavior of the Muslims, it is in the fitness of thing to make some evaluation of these concepts, and see why proponents of modern Muslim renaissance feel that they have denuded the Islamic doctrine of its inherent dynamism.

Predestination means that everything in human life is preordained and that men have no choice or freedom in their social, economic and political destiny. Unknown and unavoidable fate haunts man at every step, and the best course for him is to abandon his resistance to what cannot be resisted, and accept whatever comes in his way with a sense of resignation and utmost humility. There is no doubt that after stressing man's freedom in the earlier *suras*, the Qur'an in its later passages has laid down the groundwork of human destiny, which supports predestination. A closer and unbiased examination of both sections of the Qur'an, however, can easily show that there is no contradiction in the overall thesis of the Holy Book. In order to capture the true spirit of the Qur'anic ideology, it is essential that chapters of the Qur'an should not be judged and interpreted as independent entities. Its message is compact and cannot be compartmentalized, because it will destroy the unity of thought which constitutes the hallmark of its contents. Most commentators, both Muslims as well as non Muslims tend to agree that the mission behind the Qur'an and its reformative crusade was to provide mankind with a comprehensive, pragmatic and dynamic code of conduct. Among many things it intended to change was the pathological fatalism

of pre-Islamic Arabia. The pagan belief was that life withered away after the time fixed for it by nature had expired. The Qur'an refuted this thinking and attributed it to the lack of knowledge and corrupted spirituality of the Arabs before Islam and dismissed their ideas as fictional guesswork. The Islamic ideology was expected to replace this pre-Islamic notion about human destiny with an approach in which the individual will and the will of Allah were harmoniously blended. Such an approach was the most reasonable one, because it engendered the fear of God promised rewards to those who did good deeds and threatened the wrongdoers with dire consequences, and yet at the same time preserved the dignity and independence of man by giving him wide areas of freedom in which he could exercise his own reasoning in solving problems of life. Rodinson says that by doing so the Qur'an was able to set a stage of life where events will result from the concurrent influences of the activities of God and of man. He also concludes that the presence of certain verses in the Qur'an, which tend to inculcate predestination, does not contradict or nullify the action-oriented elements of the Islamic ideology. Islam exhorts the believers to cultivate virtues and graces, which demand constant action.

Moreover by saying that Allah is all-powerful, or by emphasizing the impermanence of human existence, the Holy Book is not asking the faithful that he should be inactive or passive in his outlook. The more sensible conclusion to draw would be that by highlighting certain aspects of predestination, the Qur'an is persuading the Muslims to conserve their abilities rather than waste them in pursuit of personal gain and self-aggrandizement

Closely related to predestination is the question of mysticism, which has also been a subject of absorbing interest for the commentators of the Qur'anic ideology. There have been endless and wide-ranging controversies about its origin, contents and influence throughout the sweep of centuries. On one extreme are its protagonists who believe that mysticism is in essence the crux of the Qur'anic thought, while on the other end are its detractors who think all mystical doctrines are alien to Islamic ideology. Over a long period of time, between the two extremes, various shades of mystical thinking have developed in Islam and there has been so much confusion that it has always been difficult to establish a relationship between the Qur'anic ideology and mystical philosophies in concrete terms. The Encyclopaedia of Islam has listed about one hundred fifty mystical orders and sects which at one time or another have dominated the Muslim thinking. In the beginning mysticism was considered a part of the faith, because it also preached piety, devotion,

sacrifice, selflessness and purity of thought and action among its followers.

The earlier Sufis commanded a lot of respect in the Muslim society, but with the passage of time as mystics started experimenting with rites and rituals which either did not exist in the Qur'an, or were produced out of some far-fetched and super-imposed interpretation of a Qur'anic reference the orthodox circles and the mystics started drifting apart, and a time was reached, when the gulf of estrangement between the two concerning many vital issues of the faith became almost unbridgeable. Among strict adherents of religion, faith meant rigid and literal compliance to the dictates of the Qur'an, and complete abstinence from things, which have been forbidden by God. The mystics on the other hand gradually abandoned many of the restraints and restrictions, which had been enjoined upon all Muslims as means for their physical and spiritual discipline. They replaced formal instruction with intuition, and preferred internal self-discipline to outward rites and ceremonies.

There are different theories about the rise of mysticism in Islam. It is said that many mystical sects arose due to widespread destruction that came in the wake of Mongol invasions. For the time being the entire Islamic civilization seemed to be burning in a monstrous holocaust. Prosperous cities and fertile pastures were turned into desert and princes whose legality was considered to be pride of the universe were seen sobbing and sulking in misery and helplessness. A spectacle of this sudden change of fortunes, it is said left a deep and lasting impression on many Muslims. They were plunged in despondency, and wondered why one had to put so much effort to build an edifice of material prosperity when a single stroke of adversity could pull it down like a house of cards. The result was that leading mystical orders started preaching mendicancy, seclusion, and self-abnegation. They condemned material achievements as a mirage, and thought that all human ambitions and aspirations were ghoulish in nature. Much of the spiritual and moral substance of mysticism was extracted out of this kind of climate of thought. In other words, according to this theory mysticism was a product of a political calamity which befell Islam, when its rulers had become weak, and had lost their ability to defend themselves against outside attacks. In other words, mysticism was fed on moral depression which resulted from defeat and humiliation. The other theory is that many mystical sects were introduced in Islam by the intrusion of alien philosophies, particular the Hindu vedantic spirituality. It is argued that a vast majority of Hindus had always practiced self-annihilation and asceticism as regular features of their religion. At one stage of the growth of Islamic civilization, Hindu scriptures were translated in Arabic, and

many Muslim rulers accorded free access to Hindu scholars in their courts. It is said that this close contact between Hinduism and Islam produced several powerful mystical orders. Another theory about the origin of mysticism in Islam is that with the passage of time due to political decadence and the closing of the doors of *ijtihad*, the Islamic doctrine became stagnant. Its pristine momentum and dynamism were crippled, and the faith was reduced to a routine exercise in rituals and ceremonies. Many individuals who were searching for spiritual thrills and excitement became tired of this tedium, and started looking for other sources which could give their ever-anxious spirit the requisite emotional and moral satisfaction. Moreover, ulema who had emerged as the custodians and interpreters of Islamic law and ideology, by their worldly ambitions, lust for power, and love for expediency, created alienation among various sections of the Muslim population, and this in turn produced disenchantment against the established orthodox religion. Still another reason for the mystics to put such a heavy emphasis on the inward activity of mind, could be that later in Islamic history growing number of Muslims were neglecting religion gains. Princes of the royal house, and members of the aristocracy had made materialism a secular religion, and their lives were tainted with moral and spiritual corruption. Even the great Ghazali who in his *Ihya al-Ullum al-Din* made a remarkable effort to rejuvenate the Qur'anic ideology in its true spirit, in one of his treatises entitled *Nasihah al-Muluk* administered a severe warning to princes for their excessive attachment to worldly pursuits. He warned that too much involvement with the world erodes the foundations of piety. He explained the treacherous ways of the world as follows:

1. This is to explain the spell of this world God's apostle said, "Hold aloof from the world for she is a worse spell-binder than *Harut* and *Marut*. The beginning of her spell is that appeals to you in such a way that you suppose her to be stationary and fixed in relation to you, for you look at her and she is the universe itself-yet she is continually fleeing from you.
2. She resembles a worthless woman, who is vicious and importunate and lures men to her in order to make them her loves, then takes them to her house and destroys them.
3. She is like an ugly old hag who marks her face but has put on fine clothes and done herself up ornately. Men see her from afar and are enchanted with her, but when they remove her veil they are dismayed to find such ugliness.



4. He will then understand that this world resembles the route of a traveler, starting from the cradle ending at the grave, and with a given number of stages in between.
5. You should understand that this world in the pleasures which her sons get from her again in the disgrace which in the after-life they suffer because of her is like a person who eats rich and sweet food in such excess as to ruin the stomach.
6. Jesus declared that the seeker of this world is like a drinker of sea-water, the more he consumes the thirstier he becomes and he will continue drinking until he perishes and he will never be cured of that thirst.
7. This is that a person who comes into this world resembles one who goes as a guest to a home of a host, whose custom is to keep his mansion always adorned for guests and to invite them in parties. The host places before them a tray of jewels and gold, and a silver censor with alac-wood and incense for giving fragrance, but they leave the tray and censor for the next party when it arrives.<sup>37</sup>

Thoughts embodied in the above mentioned narrative of Ghazali constitute the crux of Islamic mysticism, but as mentioned earlier this kind of thesis does not blend very well with the overall Qur'anic philosophy. There is no doubt that Islam discourages wasteful and ugly usage of material affluence and repeatedly warns the believers to abstain from those attractions of the world which lead to sin and vice, but otherwise all worldly pursuits are legitimate so long as personal piety remains untainted and social good of the society is not threatened.

The above mentioned theories only provide some plausible explanations about the rise of mysticism. It is difficult to say with certainty which one played exactly what role in making mysticism such a powerful and popular spiritual phenomenon in the Muslim world. In the history of mysticism one comes across a large number of renowned *Sufis* who exercised tremendous social and political influence on the events of their time. In a strife-torn society they often acted as mediators, peace-markers, and healers of spiritual injuries. Their followers turned to them for the removal of stress and anguish which resulted either from inclement fortunes or from accidents and unforeseen circumstances. Not only this, very often mystics were approached to cure physical illnesses through their spiritual powers. They generally won the hearts of the people through their piety and simplicity.

The history of Islam provides an eloquent testimony that some of the leading mystics were eternal rebels. They were in revolt against the

stinking arrogance of the rulers, corruption of the officers and general moral lawlessness among the people. It was difficult for them to understand and they detested insatiable appetite for material gains and luxuriant existence that characterized the well-to-do classes of the Muslim society. The most poisonous shafts of their criticism, however, were reserved, for the learned scholars of the religious law. They were labelled as mercenaries who could be used by anyone who was prepared to pay them. They interpreted law and ideology to suit their selfish interests. In the opinion of practically every mystic the religious scholars were guilty of worldly greed, and their ostentatious living and love for power ran counter to the simplicity and honesty which had constituted the corner-stone of the Qur'anic doctrine. The ulema in this ideological duel with the mystics fought back relentlessly and remained firm in their orthodoxy. They felt no hesitation in saying that all mystical doctrines were heretical, and as such contrary to the spirit of Islam. In this struggle the mystics suffered from certain disadvantages. Firstly their indifference to some of the fundamental rituals of Islam created in the popular mind serious doubts about the validity of their doctrines. Secondly while the ulema had frequent mass contact with large gatherings during congregational prayers, the Sufis met their followers in small *zavyas*. It was most likely due to these reasons that in spite of the great services rendered by the Sufi orders to the missionary work in Islam, they were not able to win the confidence and trust of orthodox sections of the Muslim community. The religious leaders who were strict adherents of the spirit and letter of the Qur'an, found in every mystical doctrine elements which in their opinion were totally repugnant to the mission of Islam. The following attributes of mysticism were generally listed as un-Islamic:

1. The mystics had the tendency to ignore the formal education of the religious doctrine. *Makatib* (Academies of religious learning) they argued, were useless. The real knowledge could be acquired only through intuition, and meditation.
2. Many of them claimed supernatural powers and following the established tradition of Christianity, often yearned to be anointed to sainthood. In the Sufi literature *Karamat* constituted a recurring theme and the status of a mystic was judged by the number and the kind of miracles that he performed.
3. Some mystical orders had a very strange and complex code of verbal and physical exercises through which people used to enter into trance which was deemed essential to establish communion with God.

4. There were mystics who instead of praying in the mosque, searched God's divine radiance in the sanctuary of human heart.
5. Practically all mystical philosophies in Islam denied worldly ambitions and love for material gains to which common people clung with such great passion. Following certain Hindu and Christian doctrines, they advocated seclusion, starvation and self-torture, as the best means to attain spiritual salvation.<sup>38</sup>

It was due to these characteristics that the orthodox schools of thought considered mysticism so abhorrent to the Qur'anic ideology. They particularly objected to the miracles being attributed to the Muslim saints and seriously questioned the wisdom of mystical contention that acquisition of material assets of life was an act of impiety. They considered excessive passivity and fatalism of the mystical doctrines also contrary to the spirit of the Qur'an, and in their struggle against mysticism relied heavily on those chapters of the Qur'an which called upon believers to remain active in their search for truth, virtue and goodness. As scholars, they also used those portions of the revealed word in which human intellect and individual reasoning had been praised and men were asked to be sensible in handling affairs of life. The life of the Holy Prophet, they further argued, also provided irrefutable evidence that rational action in the light of revealed word of God was the only way on which the followers of Islam could depend for their salvation. Rodinson has explained the place for reason in the Islamic ideology as follows:

This does not mean, of course, that according to the ideology of the Koran, everything is accessible to reason. On the contrary many things are outside its reach. This is even one of the proofs of God's transcendent power and knowledge. Of these things that cannot be known by the mere power of human reason, God reveals a part to men through the agency of his prophets. Other things remain hidden forever. The role of the reason is to understand the plausibility, the verisimilitude, the validity of the message about the unknowable that are brought by the Prophets, and also to understand the advantages of conforming oneself to what these messages prescribe.<sup>39</sup>

In the mystical thought, the role of reason had been completely eliminated. *Aql* was ridiculed as something deceptive and totally inadequate to solve the problems of life. It was replaced by intuitive inner light of the human heart which could unravel mysteries of life faster than any other thing in life. The point, however, on which the learned scholars manifested the greatest hostility against mysticism was when in delineating on the relationship between God and man some leading mystics claimed that the highest watermark of mystical attainments was reached when man was merged in the divine being and became God himself. In the mind of the majority of the Muslims such a notion was utterly heretical.

In mysticism, concepts like resignation or trusting surrender (*tawakkul*), decree by God (*maqdur*) and written in the hidden tablet (*maktub*), assumed meanings which differed a great deal from the ones accorded to them in the Qur'an, or at least the way these commands had been interpreted in the orthodox circles. They became a source of negativism and inactivity and made mysticism which started as one of the noblest efforts for piety and simplicity, a haven for idlers, who lacked courage to fight stresses of political decadence and social anarchy. Many anchored their destiny to fatalism because it provided them with emotional and spiritual security which was rapidly disappearing from the life of the masses in many Muslim lands. No matter what forces led to the growth of these tendencies, the fact remains that excessive fatalism was contrary to the message of the Qur'an. Some reliance on fate is a spiritual tonic, but it is a matter of common knowledge that even the best of tonics, taken in excess becomes toxic. All what the Qur'an had done was to establish in unequivocal terms the universal transcendence of Allah's will, but that did not mean that individual will had been left with no role at all in human affairs. The crux of the whole matter is that man has been given enough leverage and independence that without violating the boundaries of divine law, he can shape his destiny gainfully. The only restriction on his freedom is that in organizing his activities he should conform to ideals of goodness laid down by God. Islamic ideology nowhere shows that human beings should sit on their oars and allow life's troubled yacht to drift on the uncharted ocean of circumstances, not knowing when it would touch the shores of safety. Judging from the general tenor of the Qur'anic philosophy it appeals to reason to believe that in Islam, the primary duty of a Muslim is to fight the Satanic forces through piety and intelligent planning of the affairs of life. He is not allowed to run away from the struggle of existence and seek asylum in seclusion and inactivity, even if such a course of action is peaceful and motivated by pious intentions. This thesis is further supported by the fact that Islam advocates collective good of the *ummah* and this entails righteous interaction among all Muslims. If an individual cultivates piety and goodness in isolation, it may satisfy his own soul, but would not contribute anything towards the general welfare of the society which is also one of the fundamental religious duties of a Muslim. It is said that Ibrahim an-Nakhai, a man of great piety who lived in the first century A.H. was once asked if a choice was given to him between an honest merchant and a man who had left the world to devote himself entirely to prayer, whom he would prefer. It is recorded he gave the following reply:

The honest merchant is dearer to me, for he is in the through measures and scales, in the course of commercial transactions, and so he fights a holy war against Satan. In short pious action directed towards some common good of society is better than meditation no matter how devotional it is done in isolation only for personal satisfaction.<sup>40</sup>

The religious reformers were fully aware that the combination of excessive fatalism and widespread popularity of mysticism had been among the major causes that had made Islam stagnant and retrogressive. They were convinced that unless these tendencies were eliminated, it was very difficult to bring Islamic society into the main stream of modern civilization. Therefore in most of their writings and public statements, they waged a powerful crusade against these components of the Islamic doctrine. For the western educated intellectual elite's whose outlook had been secularized and who did not hide their indifference to religion, the whole spiritual cargo of mystical heritage was an anathema. Even the orthodox fundamentalists had been skeptical of the practices of mystics for centuries and they too, fought countless public debates regarding the true spirit of the religion. So far as popular version was concerned the fundamentalists ulema had often been outdistanced by the mystics. The presentation of Islam by the latter was more dramatic, and was more attractive to the untutored mind of the common people. The reformists not only considered it contrary to Islam, but also felt it to be a major impediment to rational thinking. Most religious reformers made strong recommendations for creating an educational climate that would reduce the impact of fatalism and mysticism.

Shaikh Abduh is universally acknowledged as the leading reformist of the world of Islam during the second half of the nineteenth century. In the beginning Abduh showed profound and keen interest in Sufism. As a young man he had been deeply influenced by a Sufi called *Shaikh Darwish*, and when he was a student at al-Azhar, he associated with the Sufi circles and avoided the company of orthodox jurists. His first work, *The Resalat al-Waridat* emphasized many elements of mysticism. Later when Abduh came under the influence of Afghani he abandoned his opposition to such an extent that Rashid Rida his learned biographer excluded *Resalat al-Waridat* from the list of his works by saying that it did not represent his ideas. He also categorically refuted the concept of fatalism and theories of predestination as alien to Islam, and attributed them to influences borrowed from Aryanism. He once remarked:

They (the Persians and the Romans) donned the garb of Islam, and carried it to their (older) disputes and hypocrisy. And they introduced the innovation of theological argument, and disobeyed Allah and the Prophets who forbade any discussion of Qadar. They deceived the Muslims with their sweet talk and false words until they succeeded in destroying their unity.<sup>41</sup>

At the peak of his ideological maturity, Abduh expressed his views as follows:

Our belief is that Islam is a religion of unity in conviction and not diversity in principles. Reason is amongst its strongest supporters and revelations one of its strongest bases. Beyond this are obsessions from status and whims of rulers. The Qur'an is a witness on everyone's action and is the judge of its correctness of error.<sup>42</sup>

He was positively skeptical of the *karamats* commonly attributed to saints.

Like all previous Muslim thinkers Abduh, however, was prepared to give Sufism the credit of laying down very solid, ethical foundations of Islamic doctrine. In his opinion rebellion against Sufism was not a product of some spiritual revulsion against it, but was a result of the inactivity that Sufism had generated among the Muslims. He pointed out that the contemporary Sufis had completely misconstrued the true spirit of the original mystical thought. Most accounts agreed that Abduh played a very important role in limiting the influence of the Sufis in a Muslim society. Some scholars are not very sure that in search of modernity it was prudent to criticize Sufism, because its immediate impact on the society in Egypt was not very constructive. It created a big spiritual confusion and left the bulk of the masses dangling in a state of spiritual limbo. They were denuded of the sense of belongingness, and the system on the whole was left without cohesion.

Abduh and his followers, however, were not concerned with the losses that the society suffered by disengaging itself from the spiritual moorings provided by traditional Sufi orders. Their primary objective was to remove the impurities which they attributed to foreign influences, from the main body of Islamic doctrine, so that it could comfortably accommodate modern rational sciences. They were advocating that material well-being of the community had an importance of its own and in some cases could even take precedence over devotional acts. Anything that was irrational and contrary to reason could not be part of Islam. Rashid Rida, also felt that one needs to draw a line between true and false mysticism. False mysticism he labelled as excessive submission to a Sufi Shaikh as an intermediary between God and man. He found in it great dangers to religion. The practice among Sufis of calling the spirits, in his opinion had serious implications because it often led the ignorant people to neglect the formal religious duties and prayers that had been specifically commanded by God in the Qur'an. Like the rest of the Sunni theologians, he considered this kind of mysticism a Zoroastrian conspiracy. He said that the followers of Zoroaster wanted to:

Corrupt the religion of the Arabs and pull down the pillars of their kingdom by internal dissension, so that by this means they could restore the rule of the Zoroastrians and the domination of their religion to which the Arabs had brought to an end so dramatically.<sup>43</sup>

Similarly following the common trend against mysticism, he charged the Sufis of passivity, which he argued was contrary to the spirit of the Qur'an. The revealed word of God was message of strength and activity. Many of the meetings of the Sufis he found nothing but drug-taking festivals.

An equally powerful wave of anti-mysticism struck in other parts of the Muslim world also. Particularly the sub-continent of India and Pakistan which had a very large concentration of Muslim population and a long history of the growth of Islamic ideology, witnessed a very strong movement of religious reformation, in which the reformers along with many other elements of the orthodox Islam were extremely critical of the Sufi tradition. Sir Sayyid Ahmad Khan was unquestionably among the leading figures whose radical ideas about orthodox Islam created a lot of intellectual fermentation among the religious circles. Although he was a profound scholar of nearly every aspect of the Islamic doctrine; his thinking was mostly secular, and he was convinced that the traditional view of Islam created a lot of hindrances to the progress of the Muslim community. It had kept the Muslims away from the main stream of civilization and they were left far behind in material and scientific advancement. In his opinion, any concept that was contrary to the laws of nature was un-Islamic. His main emphasis was on *amal-i salih* and success in this world he thought to be the main yardstick of good work. His views on prayers, prophesy, day of judgement and Satan were also quite out-of-line from the Islamic notions about these matters that had been accepted as valid for centuries. Many of the supernatural things which had been integrated into Islam through Sufism, he dismissed as mere symbolism. Sir Sayyid did not have a mass following that one commonly associates with a charismatic religious reformers, but his ideas had a very positive impact on the educated classes among the Muslims, and it dealt a serious blow to fatalism and mysticism.

A little later, the leadership of the Islamic reformation over the Indo-Pakistan sub-continent passed into the hands of Sir Muhammad Iqbal who through the magic of his poetry, and the innovative thinking of his prose works, gave to the new generations of Muslims during the early decades of this century a very spacious perspective of the Islamic doctrine. He differed from the religious reformers the contemporary Islam in many ways. Although he had completed his higher education in Europe and was well versed in Western philosophical heritage, but in due

course he became one of the greatest religious reformers of this century. Although not a theologian in the strict sense of the term Iqbal was a profound and a deep student of the Qur'anic thought and Islamic philosophy and could fully comprehend its innate revolutionary propensities. He could relate its ideological contents to the contemporary world with great intellectual ingenuity. Unlike Abduh and Sir Sayyid, he remained deeply committed to fundamentalism, and was never impressed by the Western achievements in science and technology. Particularly Europe's moral and political spectacle depressed him a great deal and with years, this disenchantment continued to increase. But he shared with other Muslim reformers, the basic disgust at the stagnation, backwardness, inactivity and lack of ambition among the bulk of his coreligionists in the Muslim world. He also agreed with them that the decadence of Islam had been due to many forces. Just as Abduh and Rashid Rida had listed popularly understood mysticism as one of the major factors leading to the decline of Islamic civilization, Iqbal also believed that mysticism was of alien origin and its inclusion in the Islamic doctrine was a great spiritual and intellectual tragedy. In an article published in the *New Era* of July 28, 1917, he summed up the adverse effects of Sufism on Islam in the following words:

The present day Muslim prefers to roam about aimlessly in the dusky valleys of Hellenic-Persian Mysticism, which teaches us to shut our eyes to the hard reality around, and to fix our gaze on what it describes as "Illumination" to me, this self-mystification, this Nihilism i.e. seeking reality in quarters where it does not exist, is a physiological symptom which gives me a clue to the decadence of the Muslim world — having lost the vitality to grapple with the temporal, the prophets of decay (Sufis) apply themselves to the question of a supposed eternal and gradually complete the spiritual impoverishment and physical degeneration of their society by evolving a seemingly charming ideal of life which seduces even the healthy and powerful to death. To such a peculiarly constructed society as Islam, the work of these sentimental obscurantists had done immense harm.<sup>44</sup>

The recent history of Islamic reformation provides ample evidence, that in their war against mysticism, both the orthodox ulema, and the reformists who otherwise could not see eye to eye with each other on many religious issues, seem to be in complete agreement. Both believe that the overall impact of Sufism on Islam has been baneful. It rendered the people intellectually and spiritually inactive, and denuded the religious doctrine of its dynamic ingredients. In the rural areas of the Muslim world, among the uneducated masses the lingering remnants of some of the traditional Sufi brotherhoods still continue to maintain some prestigious niche in the public mind, but their previous authority and the respect they commanded seems to have declined considerably.



After establishing that reason and rationality were not inimical to Islam and that popular obsession with fatalism and enduring fixation to mystical orders was un-Islamic, the reformists turned their attention to mental and physical inertia that had caused so much damage to the Islamic civilization. The fact that disturbed them the most was that a community, that was so action-oriented in its origin, had become so incurably lethargic and static in outlook and behavior. Therefore it was an essential part of their religious crusade to make Islamic ideology once more dynamic and progressive. They pointed out that the Muslims must enrich their lives both with spiritual and material achievements. It is a matter of common knowledge that in Islam there is no distinction between religion and politics. In fact Islam originated as a state, which was quite different from Christian church which emerged as a religious organization within a state. Therefore the rulers of Muslim community were obliged by religion to legislate, to defend and administer the affairs of the state in a manner that would make citizens action-oriented. It meant organization of financial resources, rational and scientific policy-making and above all foresight and leadership which could implement the will of Allah on earth. When one looks at the total spectrum of human existence, the reality that emerges is that an average human being lives in the twilight zone of conflicting psychological drives. He is loving and affectionate, but at the same time he could be very callous, selfish and aggressive. Therefore preservation and integration of the *ummah* demands a highly action-oriented machinery of government. There are countless other matters relating to justice, charity, and suppression of crime which cannot be handled effectively and efficiently without prompt action. The life of the Holy Prophet is in itself an eternal beacon light in this matter. He was a messenger of God, custodian of Revelation and promulgator of Divine laws, and as such he was fortified by Allah's great might, but still his career from beginning to end was crowded with struggle and activity. It was one long story of glorious action and enduring achievement. In essence the truth of the matter is that the Muslims have no choice so far as action is concerned. The religious duties themselves hurl them into a whirlpool of activities, which are sanctified by divine law, and unless a believer meticulously participates in them, he cannot salvage himself from difficulties either here or hereafter. According to Rodinson, the entire tone of the Qur'anic injunctions is geared towards action. In the Holy Book, most of the verses begin with such words as "Recite" and "Say" which are meant to ignite into the minds of the people an urge to do something. They signify call to action, and warn men against passivity. Even the Holy Prophet is repeatedly asked to remain active against infidels and evils and there are positive

commands that one must not rest on his oars. Therefore we are not surprised to find that in the theological literature of Islam, there is repeated emphasis on *amal* and believers are told that ultimately they would be judged on the touchstone of their *amal*. Al-Ghazali in his examination of the working of the human mind said that it is governed by *khawatir*, *raghbia*, *itiqad*, *irada* and all these factors ultimately end up in *amal*. In one of his treatises entitled *Ayyah al-Walad*, al-Ghazali has emphasized in unequivocal terms that knowledge which cannot be translated into action is monumental wastage. *Tehsil-i Ilm* he argues must have some meaning, a definite purpose and a well defined goal. It is said that the above mentioned booklet was written in response to an inquiry from a young scholar, whose mind and thinking had been confused by conflicting concepts about certain vital issues regarding man's organized life. Al-Ghazali gave him the following advice:

Just so thought a man read hundred thousand scientific questions and understood them or learned them, they do not benefit him except by working — Knowledge is reward and working is its fruits, and though you studied a hundred years and collected a thousand books, you would not be prepared or the mercy of Allah the exalted except by working.<sup>45</sup>

He sums up his thesis with a warning, "O youth, knowledge without work is insanity and work without knowledge is vanity." In other words knowledge and action in the Qur'anic ideology go hand-in-hand, and their separation could spell moral, economic, and political disaster for the Muslim community. The concept of *jihad*, the way it had been understood and interpreted by the Muslim jurists, also provides a powerful testimony in support of the fact the Islam reprobates apathy and lethargy in the strongest terms. Once the holy war is started, it becomes obligatory for the Muslim community to see that it is prosecuted successfully.

Among the Western Orientalists, *jihad* has always been totally misunderstood. They have often criticized it by saying that it is based on violence, hatred, aggression and expansionism. Any dispassionate survey of comparative religions will clearly show that much more tyrannies and injustices have been perpetrated by other faiths in the name of peace than could be found in the spread of Islam in various parts of the world under the banner of *jihad*. It is not our intention to uncover the fallacies and misrepresentation of the Orientalist with regard to Islam, but it is worth noticing that *jihad* connotes movement, no matter whether that movement is physical, intellectual or psychological. The Qur'an says, "O you who believe, shall I direct you to commence that will save you from a painful torment? You shall believe that God and his messengers and struggle in God's way with your goods and lives. That is best for you,

did you but know it.”<sup>46</sup> A tradition of the Prophets says, “Fight against the polytheists with your property, your persons and your tongues.”<sup>47</sup> *Jihad* is a combination of sacrifice, devotion and action and demands a full sense of responsibility from its participants. War, as an instrument to defend the faith against treachery and hostility of the non-believers, is only one aspect of *jihad*, otherwise it is a message that life is a constant struggle, against evil in all its manifestations which needs to be crushed by prudent thought and righteous action. In other words, all it shows is that Islamic ideology is action-oriented, and dissuades its followers from inactivity and asceticism. The reformists believe that *jihad* was fundamentally a weapon of self-defense, but when evil threatened the faith it could be used as an instrument of aggression.<sup>48</sup> Under normal circumstances, the foundations of *jihad* were laid strictly on ethical ideals rather than material acquisitions and territorial expansion. Afghani’s call to fight against European imperialism was not meant to unleash a Holy War. He was simply urging the Muslims to emancipate their lands from foreign rule and save their religion from its corrupting influences. Afghani, Abduh and Rashid Rida did not enter into any theological hair-splitting about *jihad*.<sup>49</sup> They relied upon the provision so frequently mentioned in the books of law that *jihad* cannot be lawfully undertaken unless the prospects of success are fairly bright. During the later half of the last century, the Muslims were weak in every sphere of human activity, and unless they were strong enough *jihad* against the West could not become a legally binding duty. They could become strong only if they acquired Western sciences and skills, and after they had done that they would be able to compete with the West successfully. In this particular matter, they received considerable support from the orthodox ulema, who prudently dissuaded the Muslims not to be carried away by a tide of bitterness and hostility towards the Western civilization because that could mean the destruction of their lands and institutions which they lacked the ability to defend.<sup>50</sup>

In the writings of Iqbal, there is no detailed and systematic examination of the concept of *jihad*, but from the scattered references in his prose and poetic works, one can find ample evidence to establish that he also wanted to rescue the term *jihad* from its narrow implications and would like to give broad explanation that could possibly cover any activity and sacrifice at the individual or collective level that contributed towards the preservation of the faith and brought glory to the Muslim civilization. In an article published in the “The Hindustan Review, in July 1909”, he made the following remarks:

Having discussed in the last issue of the Review the ethical ideals of Islam, I now proceed to say a few words on the political aspect of the Islamic ideal.

Before, however, I come to the subject I wish to meet an objection against Islam so often brought forward by our European critics. It has been said that Islam is a religion which implies a state of war and can thrive only in a state of war. Now there can be no denying that war is an expression of the energy of a nation, a nation which cannot fight, cannot hold its own in the strain and stress of selective competition an indispensable condition of all human progress. Defensive war is certainly permitted by the Qur'an, but the doctrines of aggressive war against unbelievers is wholly unauthorized by the Holy Book of Islam.<sup>51</sup>

Iqbal points out all wars fought by Muslims during the life of the Prophet were defensive in character. He further points out that expansion of Islam was in no way related to the political power of its believers. The history of Islamic civilization provides eloquent testimony that some of the greatest triumphs of Islam as a religious doctrine were made during the time when the Muslims had decayed politically. He concludes that "the truth is that Islam is essentially a religion of peace, all forms of political and social disturbances are condemned by the Qur'an in the most uncompromising terms."<sup>52</sup>

The crux of Iqbal's philosophy is that Islam has suffered tremendous losses at the hands of *mullahism* and mysticism. He uses some of the most poisonous shafts of criticism against the *mulla* and the mystic, who worships inactivity. He attributed stagnation in the Islamic ideology to the *mulla*'s static and closed mind, and nihilistic approach of the mystical doctrines.

In a letter to Pandit Jawahare Lal Nehru, the late Prime Minister of India, he elucidated his views as follows:

The ulema have always been a source of great strength to Islam. But during the course of the centuries, especially since the destruction of Baghdad, they became extremely conservative and would not allow any freedom of *ijtihad*, i.e. the forming of independent judgement in matter of law, the Wahabi movement which was a source of inspiration to the nineteenth century Muslim reformers was really a revolt against the rigidity of the ulema. Thus the first objective of the nineteenth century, Muslim reforms was a fresh orientation of the faith and a freedom to reinterpret the law in the light of advancing experience.<sup>53</sup>

For Iqbal, the religion of Islam was an abiding and everlasting movement for the perfection of life, and this ideal could not be achieved without continuous search for truth through human intellect, although he always wanted this intellectual endeavour to be subservient to the dictates of the divine authority. He was thoroughly convinced about the enormous scope of *ijtihad* in Islam, and in the fundamental sources of Islamic ideology, he found unmistakable evidence which gave individual reasoning a very prominent place in the formulation and execution of the public policies in a Muslim state. In his opinion, concepts like justice,

equity, public interest, social change, political institution, customary usage's and administrative practices were fit subjects for a qualified *Mujtahid*. Iqbal was fully aware of the suspicions in certain quarters that unrestricted authority to practice *ijtihad* could produce an unwieldy mass of interpretations, and result in irreparable loss to the true meanings and substance of the ideology. He believed that in Islamic ideological framework *ijma* and *ijtihad* go hand and hand. The error of the individual judgement could be easily corrected by the collective will of the community.

Iqbal's entire concept of *millat* is replete with the spirit of this thesis. In establishing the superiority of the general will of the community, Iqbal derived support from the Qur'anic verse, which says, "Follow the way of the believers."<sup>54</sup> Although in his writings, he did not try to resolve some of the abstruse theological implications connected with *ijtihad*, he maintained interest in the concept all his life. His correspondence and reflections of his close associates give a clear indication that he considered *ijtihad* to be a vital instrument or the rejuvenation of Islam in modern times. It is said that once he gave a lecture on *ijtihad* at the Islamic College, Lahore,<sup>55</sup> and it is also mentioned that he had planned to write a treatise on the subject under the tentative title of "Islam as I Understand it."<sup>56</sup> It is true that he failed to produce a separate treatise on *ijtihad*, but his undiminished trust and interest in this concept are fully reflected in every work that he compiled. Particularly in the Reconstruction of Religious Thought in Islam, he has given a very lucid and eloquent exposition in this matter. Iqbal defines *ijtihad* as "the principle of movement in the structure of Islam."<sup>57</sup> He pointed out that the four Sunnite schools of Islamic jurisprudence have nowhere drawn rigid boundaries or declared human reason an unwanted intruder in the sacrosanct chambers of decision-making, particularly if the decision pertains merely to law and is in no way related to the fundamentals of the Qur'an. He is surprised that by closing the doors of *ijtihad*, the Muslims abdicated from their right to legislate as a community. He refuses to believe that it is in consonance with the spirit of Islam, which in his opinion, is dynamic, progressive and forward-looking. This major lapse he says, resulted in a series of unpardonable failures and because of that Muslim civilization was wearing a depressing spectacle of stagnation, frustration and bitterness. He further adds that the cauldron of life is in a state of perpetual fermentation and its affairs cannot be controlled by rigid legal principles. There should be certain values and ideals which are permanent, but other than that the essence of social existence rests on throbbing and pulsating currents of change and movement. Success of every organization depends on the

harmonious blend of permanence and change and Islam has ample scope for that. He says:

The ultimate spiritual basis of all life as conceived by Islam is eternal and reveals itself in variety and change. A society based on such a conception of reality must reconcile, in its life, the categories of permanence and change. It must possess eternal principles to regulate its collective life, for the eternal gives us a foothold in the world of perpetual change.<sup>58</sup>

Iqbal was a very keen and anxious observer of the religio-political movements in the Muslim world. His heart bled at the political and intellectual backwardness of the Muslim masses, and whenever he noticed any change for the good, he applauded and gave it his fullest support. After World War I among Muslim countries, Turkey was the one which was passing through traumatic changes. For more than five hundred years the Ottoman Sultans at Constantinople had spread the spiritual umbrella of Caliphate all over the Muslim world. After nearly fourteen hundred years the institution of Caliphate had become the integral part of the Islamic ideology, and in many religious circles it was considered utterly sacrilegious to think that the Islam could survive without the physical presence of a *Khalifa* symbolizing the unity of religion and politics, and the universality of Islam. In 1923, Ataturk in his crusade for the modernization of Turkey, abolished Caliphate (*Khilafat*) and established a Western style secular republic. The orthodox circles all over the Muslim world were shocked with horror and dismay, but not Iqbal. He envisioned that perhaps that was the greatest thing that had happened to Islam in its modern history and felt it would augur revolutionary changes in the basic ideological orientations of the masses. The abolition of *khilafat* in his opinion was the greatest *ijtihad* act of the entire Islamic history. He made the following comments on the Grand National Assembly of Turkey which had passed the legislation to abolish the *khilafat*.

Let us now see how the Grand National Assembly has exercised this power of *ijtihad* in regard to the institution of *khilafat*. According to *Sunni* law the appointment of an Imam or *khilafa* is absolutely indispensable. The first question that arises in this connection is this: Should the Caliphate be vested in a single person? Turkey's *ijtihad* is that according to the spirit of Islam the Caliphate or *imamat* can be vested in the body of persons or an elected assembly. The religious doctors of Islam in Egypt and India so far as I know, have not yet expressed themselves on this point. Personally I believe the Turkish view is perfectly sound.<sup>59</sup>

He concluded his remarks on this critical and highly sensitive issue by saying that, "the truth is that among the Muslim nations of today

Turkey alone has shaken off its dogmatic slumber and attained to self-consciousness.”<sup>60</sup> In short, among the many contributions that Iqbal made to modern Muslim thought, his efforts to rejuvenate *ijtihad* ranks very high. He vehemently condemned *taqlid* as an attitude completely contrary to religion. He has full faith in the finality of the message of the Qur’an, but he nurtured serious doubts about the sanctity of the details which jurists had worked out to implement the fundamentals of Islam. All these details could be changed by the use of *ijtihad*. There was, however, one serious apprehension in his mind about the use of *ijtihad* in the contemporary world of Islam. He saw a widespread tendency among the educated Muslims to emulate the western civilization blindly. He feared they would regard the indiscriminate importation of Western ideas as *ijtihad*. In *Zarb-i Kalim*, he subjected this phenomenon to serious criticism. He felt that following the European ideals and style of life in search of modernization was not *ijtihad* but *taqlid* of the worst type. In essence, “*ijtihad*, in Iqbal’s opinion, is an instrument of change, a movement towards progress and a link between permanent values and the requirements of the fast changing environments of life.”

After the turn of this century and particularly a few years before the beginning of World War I, the late Maulana Abul Kalam Azad emerged as a leading exponent of Islamic ideology in South Asia. His scholarship, brilliance and beauty of his Urdu prose won universal acclaim and his rise to position of eminence was meteoric. But unfortunately, he plunged himself in the freedom movement with such all-consuming passion that the most productive years of his life were spent in political bargaining, and in leading a struggle against British imperialism. Therefore he failed to give his religious thinking the proper articulation and systematic exposition. Most of his writings are patchy and unfinished. But in spite of these inadequacies Azad continued to enjoy considerable respect among the religious circles, although later in life due to his political views, he forfeited the confidence of the bulk of the Muslim masses over the Indo-Pakistan sub-continent. His works include the unfinished commentary of the Qur’an called *Tarjuman-al-Qur’an*, (selections of articles printed in his famous journals), *al-Hilal* and *al-Balagh*, a small autobiographical treatise called *Tazkira*, and letters written in prison during World War II called *Ghubar-i Khatir* and an English work entitled *India Wins Freedom*. Azad was basically a fundamentalist, but in many of his views, he often came very close to the reformist ideas in making Islam conform to the realities of modern life.

In an article published in 1913 Maulana Abul Kalam Azad described the concept of *jihad* in Islam as follows:

The purpose for which Islam came into the world was to command what is (recognized as good and forbid what is (recognized as) prohibited, and commanding what is (recognized as) good and what is prohibited in, are two forms of the same injunction. Therefore, every effort devoted to what is right, every expenditure of resources that serves the cause of truth and goodness, every labor and burden undertaken to promote justice, all pain and suffering endured in the body and the mind while striving in the way of God, all the fetters and shackles of the dungeon that bind hands and feet in punishment for proclaiming the truth, every scaffold to which the beauty of truth leads, in short every sacrifice of life and property, every service with tongue and pen, performed in the cause of truth and justice is *jihad* in the way of Allah and is comprehended in the meaning of *jihad*.<sup>61</sup>

In short the leading Muslim reformers whose ideas have been briefly sketched above were ceaselessly striving to dispel passivity that had blanketed the mind and thought of the Muslim masses for centuries. In their opinion, inactivity could neither be rationalized nor reconciled in any way with the fundamental meaning and purpose of the Qur'an. It was for this reason that they widened the conceptual framework of *jihad*, and pointed out that any physical activity that was committed to righteous action could bring lot of spiritual and material harvest for man. This emphasis on *amal* has continued to highlight the zeal of contemporary religious reformers in every Muslim land. During the nineteenth and twentieth centuries the bulk of the religious thought of Islam revolved around the feasibility and necessity of *ijtihad*. Whether it was a fight against fatalism or mysticism, or a crusade against passivity, Muslim reformers relied heavily upon *ijtihad*. All Muslim reformers were outraged that the gates of *ijtihad* were closed, and considered it the greatest intellectual catastrophe of Islamic history which did an irreparable damage to the faith

More recently, Muhammad Asad and Maulana Maududi are two other leading scholars of the Indo-Pakistan sub-continent who have fervently supported *ijtihad* in their writings. Muhammad Asad was born in Austria. He was converted to Islam very early in his life. After finishing his basic education in Islamic theology in the Holy cities of Arabia, he moved to India where he enjoyed the patronage of the Nizam of Hyderabad and for several years edited the reputable quarterly Journal called the Islamic Culture. After the partition of the sub-continent he migrated to Pakistan and for some time worked as Head of the Department of Islamic Reconstruction. Muhammad Asad with his background of Western culture, and his knowledge of the Qur'an and the Hadith, is even more emphatic about the need for *ijtihad* for the revival of Islam as an operational ideology in modern times. Asad is not a fundamentalist, but he seems convinced that the Qur'an has given to the world a very powerful ideology, a rewarding spiritual discipline, and an



eternal code of conduct. How useful it can be, however, would vastly depend on the attitude and the character of the Muslims themselves. He points out that the examination of the *nasus* in the Qur'an leaves no doubt that they pertain to the aspects of individual and social existence which are inescapably subjected to the dynamics of change. There are certain basic attributes of life which cannot be protected against the influences of space and time. For instance matters relating to government, economics, science and technology, have not been set forth in the *Shari'yyah* in a detailed manner. The principles that have been stipulated in these fields are either too general or they are completely non-existent. In his opinion, it is to meet these situations that the Qur'an and the Traditions of the Prophet gave the believers the permission to use independent reasoning so that they could harvest the blessings of the religious doctrine in fullness. He has summed up his views on *ijtihad* as follows:

And this is where *ijtihad*'s legislation rightfully comes in to be more precise, the legitimate field of the community's law-making activity comprises (a) details in cases and situation where the *Shari'yyah* provided a general principle ruling and (b) principles and details with regard to matters which are *mubah*, that is, not covered by *Shari'yyah* law at all. It is this method that the Qur'an has referred to in the words (For every one of you we have ordained a Divine Law and an open road). Thus while the Divine Law (*Shari'yyah*) outlines the area within which Muslim life may develop, the Law-Giver has conceded to us, within this area "an open road" (*minhaj*) for temporal legislation which would cover contingencies deliberately left untouched by the *nasus* of the Qur'an and Sunnah.<sup>62</sup>

In other words, *ijtihad*, according to Muhammad Asad is a revocable judgement of an individual relating to temporal matters. Such a judgement cannot have any bearing on the irrevocable laws of *shari'yyah* which are of divine origin. Making fallible opinions of Jurisconsults infallible, is what led to the closing of the doors of *ijtihad*, and the process was set in motion for the decay of Islamic civilization. A law in the temporal affairs of Islam is automatically abrogated after it has lost its value, or outlived the circumstances for which it was created. Asad says, "Thus *ijtihad* can amount to no more than a temporal changeable law, subject to the authority of the irrevocable, unchangeable *Shari'yyah* which is self-evident in the *nasus* of Qur'an and Sunnah".<sup>63</sup> He concludes his analysis by saying that independent reasoning is not only permissive but obligatory in Islam, because this is the only way by which religious doctrine could be kept dynamic and its principles adaptable to the changing circumstances. He says, "Our right to independent *ijtihad* on the basis of Qur'an and Sunnah is not merely permissive but mandatory, and particularly so in matters on which the

*Shari'yyah* is either entirely silent or has given us no more than general principles.”<sup>64</sup>

There is wide diversity in the reform movements in modern Islam. They all profess their loyalty to the Qur'anic doctrine, but differ a great deal in the extent of reforms they would like to introduce in order to make Islamic ideology dynamic and progressive. The movements could be plotted on a continuum which runs from extreme fundamentalism to excessive secularism. In the later case reformers are prepared to take steps that would even change some of the basic principles that are listed as the foundation of faith.

The history of modern Islam since the end of World War II shows widespread awareness among Muslims of the world, that *ijtihad* alone could help them to meet the challenges of modernity. But as yet they have not been able to evolve a consensus about methods, means or institutions which could dispel cultural disparities and apply the same method or institutional framework to accommodate changed realities. There is such a wide diversity of views in this matter that we have almost reached the end of the twentieth century and the issue still remains unresolved: Poet-Philosopher like Sir Muhammad Iqbal argues that the collective will of an elected assembly is a sufficiently legitimate instrument to introduce a change through independent reasoning. In his opinion abolition of the Ottoman Caliphate by the Turkish National Assembly was a valid *ijtihad* act. And Muslim reformers of the modernist school of thought fully subscribe to this view. Then there are fundamentalist like Hassan al-Banna, Sayyid Qutbet, and the late Imam Khomeini who are also firmly committed to the notion of *ijtihad*, but they believe it is a specialized function of those religious scholars who are well versed in the Qur'anic Philosophy, laws of *Shari'yyah* the entire voluminous subject matter of Islamic jurisprudence and possess the knowledge of Arabic because the bulk of the original sources of information, are in this language. It is a matter of common knowledge that even the non-Arab leading scholars of Islamic law and theology wrote most of their works in Arabic. It must also be mentioned here that most of the Muslim masses in every Islamic community have not shown any positive interest in *ijtihad* as yet. The discussion is mostly confined to intellectuals, educated elites and leading Muslim scholars who are in revolt against the stagnant thinking of the traditional ulema. Unless *ijtihad* becomes an all-embracing popular movement, desire to design a institutional framework of universal efficacy capable of dealing with all the dilemmas and challenges of modernity would remain lukewarm

History of modern Islam since the early 1950's shows that some Muslim heads of the State, by virtue of their headship of Islamic community arrogated to themselves the powers to make changes in traditional religion so that their societies could be modernized. They have deep-seated horror of the traditional ulema who believe in *taqlid* and are resistant to any change in the status quo. Although such heads of the State are against traditionalism, but the notion under which they introduce radical changes is traditional religio-political model of early Caliphate in which the person of the Caliph was considered to embody both religious and political powers in the state. The two important instances in this regard in the recent history of Islam are of the late president Habib Bourguiba of Tunisia and Colonel Muammar Qaddafi of Libya. Habib Bourguiba came to power in 1956 and ruled as life-president of the country till riots, political anarchy and physical illness led to a bloodless coup which unseated him from powers in. Similarly Colonel Muammar Qaddafi staged a *coup d'etat* in Libya on September 1, 1969 and as of today still holds the reins of his unchallenged authority in the country.

Both Bourguiba and Qaddafi came to power through different routes to reform their societies, but they showed vast similarity in use of *ijtihad* in dealing with religion. Although both introduced some radical changes, but judged by fundamentalist approach of Muslim scholars and ideologues both were disqualified to assume the status of a *Mujtahid*.

For many years after its independence Tunisia was considered the Arab world's most stable and progressive state. President Bourguiba who came to power soon after independence, steered the country successfully through the post-independence teething troubles, assumed the title of Supreme Combatant and virtually made himself the life President. During the last stages of the struggle for independence he had emerged as the sole representation of the nationalist forces.

Bourguiba presided over the political destiny of Tunisia much longer than any post-colonial ruler in North Africa. He was a good organizer and an effective manipulator, but lacked charismatic quality of leadership. Unlike the King of Morocco, he could not even boast of his ancestry, because orthodox Islam would not legitimize such claims. To compensate himself for the absence of such traits he resorted to the manipulation of the religious sentiments of the people. He often embellished his oratory with quotations from the Qur'an, and it was not uncommon for him to ramble into religious imagery while handling the policies and issues confronting the new state. The title *Mujahid-e Azam* which he assumed for himself was also reminiscent of the early period of

Islamic history when a small group of believers under the leadership of the Holy Prophet in Medina won glorious victories against infidels. There was however a fundamental difference between Bourguiba and early Mujahideen of Islam because while the latter struggled and fought for the spread of Islam, his crusade was limited only to the modernization of the country.<sup>65</sup> He had only a nodding interest or understanding of Islam. Some of his opponents even called him an avowed atheist who in order to deceive the masses was wearing a thin mask of religiosity. No matter what his inner feelings were about religion, soon after his rise to power Bourguiba did not openly preach secularism and in his public speeches and statements he professed that he wanted to introduce reforms in Islam which would give it the flexibility to accommodate irreversible changes in society which had come in the wake of modernity. In his opinion this objective could be realized only if Islam and all the traditional institutions associated with it were brought under state control. He felt that he could use Islam more effectively as an instrument of modernization if it was kept under siege by the government. If he was *Mujtahid* for the political independence of his country, he would likewise be *Mujtahid* of the type of Muhammad Abduh in Egypt who challenged traditional Islamic orthodoxy, advocated many social, educational, and economic reforms that would make Islamic doctrine dynamic and future-oriented. He admired Abduh, because the latter had denounced stagnant Islamic theology, preached the inculcation of new spirit of inquiry and as Chief Mufti of Egypt hearkened his co-religionists to acquire knowledge of modern science and use their intelligence and reason to conquer the difficulties that impeded the road to progress.<sup>66</sup>

Supporters of Bourguiba justified his fiddling with the traditional Islam on the ground that in the Islamic doctrine there was no separation of church and state, and in their opinion laws in Islam were valid only if they were imbued with the spirit of the Qur'an, the Sunnah of the Holy Prophet, and were supported by the universal *ijma* of the *ummah*. They pointed out that Bourguiba had universal support and confidence of the Tunisian *ummah* therefore he was more representative of the wishes of the people than all the *shaikhs* put together. Moreover they argued that in Islam there was no separation of church and state and since Bourguiba was the head of the State that made him automatically the head of religious institutions as well. But in spite of the exaggerated claims of his followers Bourguiba acted cautiously in dealing with Islamic rules and regulations which over the centuries had become sacrosanct. This caution was fully acknowledged in Article 1 of the constitution which was adopted on April 13, 1956. It Stated, "The Tunisian State is free,

independent, and sovereign. Islam is its religion and Arabic its language". The constitution rejected the separation of church and state. Within a matter of weeks after the enactment of the Constitution, Bourguiba embarked on his reformatory crusade in religion, but at this critical stage, he only changed those religious institutions and practices which had lost public support, were not a part of the Qur'anic injunctions, and had widespread reputation for corruption. On May 31, 1956 he ordered confiscation of 150,000 hectares of lands attached to mosques and shrines and other charitable institutions and handed them over to the state administrators. *Habous*, as these lands had been previously called, were before independence financially and administratively autonomous, but under French Protectorate the custodians of several *Habous* had been selling 2,000 hectares per year to foreign settlers and since 1898 this practice had become a source of widespread scandal and corruption. Therefore when they were taken over by the state, there was practically no public protest.

Bourguiba, however, was not going to be satisfied by simply abolishing superficialities of the religious doctrine. He envisioned very drastic and revolutionary reforms in Islam. But to do that, he needed an open and vocal support of some leading *shaikhs*. Historically it had been a common practice among Muslim rulers that to legitimize their rule and governmental policies, they always kept a state-sponsored religious establishment as part of the machinery of the government. Following this tradition, Bourguiba in 1956 appointed Tahar Ben Achour as Rector of Zitouna, who had wide reputation as a learned theologian in the Maliki school of Islamic Jurisprudence, and belonged to a recognized family of religious scholars. Bourguiba picked him up for this position because during his previous term as Rector he had supported modernization. He was moderate in his conservatism, and had the reputation of being amenable to fresh interpretations of the canonical law. He was also able to persuade Chadly Ennifer, another reputable religious scholar to support the new regime in its efforts to reform the traditional religious, social, and legal institutions in the country. Having consolidated his position among religious circles, Bourguiba turned to reforms and in a short period of time drastically changed the court system and the personal law of the country. The country had two superior religious courts one each for Maliki and Hanafi schools of Islamic Jurisprudence. Each was headed by a Shaikh al-Islam and consisted of six Judges. These two courts constituted the highest authority in religious law and were always staffed with outstanding scholars in the Qur'anic legal systems. Bourguiba, feared that the greatest opposition to his reforms would come from these courts and to avoid that he integrated them into the secular

judicial system of the country. After this he passed the most daring legislation of his career which completely changed the personal law of the land. The Code of Personal Status was enacted on August 13, 1956. It abolished polygamy and changed marriage into a voluntary contract between man and woman, and all customary laws and rites relating to it were banned. Under the new law the husband was forbidden to arbitrarily divorce his, and both husband and wife were given equal right to seek divorce through a court of law.<sup>67</sup>

Two years after the enactment of the Code of Personal Status, in 1958 Bourguiba decided to de-religionize the educational system of the country. He realized that as long as education was dominated by religious instruction, the path to modernization would be blocked with conservatism and reactionary forces, so deeply entrenched in society. The first step in this direction was taken in October 1958 when the famous fortress of religious conservatism the University of Zitouna with its 16,000 students and 500 faculty was made a part of the new educational system of the country. Religious instruction was cut down at all levels. It was reduced to one or two hours a week in primary schools and was virtually removed from the secondary level.

After dealing with educational reforms, Bourguiba turned to social life of the Tunisians which was still crowded with traditional values and ideals. He wanted to accomplish most of his reform program, while the nation was still under the heady effect of nationalistic fervor, and his public esteem as champion of country's independence was high. In the social sphere his biggest concern seemed to be about the status of women. Emancipation of women had been a matter of great priority on his agenda of reform. He believed that custom and religion had combined to put Tunisian women under captivity where they were leading a life of boredom and insufferable drudgery. He had already put men and women on equal footing in matters of marriage and divorce, but he had in mind a bigger and wider role for women in every field of social activities. They could, however, be creative and constructive only if they unburdened themselves of the cumbersome veil which had been an age-old symbol of their social isolation and domestic tyranny. Therefore soon after his rise to power, in his speeches he repeatedly mentioned that veil was an un-Islamic practice and a serious impediment to improvement of women's status. He once remarked,

It is unthinkable that half the population be cut off from lie and hidden like a disgraceful thing. If we understand that middle aged women are reticent about abandoning an old habit, we can only deplore the stubbornness of parents who continued to oblige their children to wear a veil in school. We

see every civil servant going to work in that odious rag. It has nothing to do with religion.<sup>68</sup>

In 1957 Bourguiba encouraged Tunisian women to form a Union National Des Femmes de Tunisia (UNFT). This feminist organization became a powerful force for the emancipation of Tunisian women. In 1960 it had 40,000 members. It pleaded with women to vote regularly and sponsored conferences to enlighten them about their fundamental rights. Bourguiba was convinced that work and economic independence were essential for the dignity of women. But at the same time he warned women that liberty did not mean to do anything and everything. To reap the full benefits out of freedom they were to maintain a balance and cultivate self-discipline. He remarked,

...want women to remain women and men to remain men. A woman's respect for her husband, her devotion and gentleness, all go to increase the love and respect felt for her. I cannot stand women of the mannish type and abhor their presumptuousness.<sup>69</sup>

Having introduced legal, social and educational reforms, Bourguiba treaded a very difficult terrain of the religious sensitivities of his people. Social, moral, spiritual and economic edifice of Islam rests on five pillars which are mentioned in the Qur'an, which according to Muslims is the final revealed word of God. Principles enunciated in it are considered unalterable, and are considered to be beyond the domain of human reason and rationality to interpret them. *Kalma*, confession of faith by pronouncing that there is no God but one, and Muhammad is his messenger, *salat*, *zakat*, *ramadhan*, and *hajj* are the five fundamental principles of which Muslims of all sects and all shades of opinions agree that they constitute the bulk of the sum and substance of faith. They have tremendous ramifications for moral, social, and economic welfare of a Muslim society. Strict adherence to them is revered in all Muslims lands, and common people acclaim them as the surest gateway to salvation both here and hereafter for a Muslim. Not to speak of criticism, any reinterpretation of them would be considered sacrilegious. Bourguiba, however, looked upon the re-examination of these principles in a different way. On February 18, 1960, he gave his own interpretation of the Qur'an on the pretext that as Head of the State, he enjoyed the special privilege of exercising religious authority as well. He said:

As Head of a Muslim state, I also may speak in the name of religion...If I am asked advice from these professors, it is because our action must benefit from unanimous agreement...Unfortunately our professors belong to certain category of people who refuse to reason and judge according to past experiences, and teachings of the Qur'an.<sup>70</sup>

Bourguiba had mental reservations about all fundamental principles, but his sharpest criticism was reserved for Ramadan, a sacred month of fasting which is observed throughout the world of Islam with such solemnity by millions of Muslims. On February 1, 1961 Bourguiba addressed the nation on the relationship between reason and religion and in this connection dwelt at length on the utility of Ramadan. He used it as a case study to prove his point that there could be occasions, when reason must prevail over religion. He said:

There are still people to be found who cannot conceive that reason ought to be applied to everything in this world, including every human activity. They believe that certain fields in particular that of religion should remain outside the grasp of reason.<sup>71</sup>

In his opinion popular Islam was not the real Islam. The pristine Islam, he pointed out was dynamic and progressive, and it had built-in ideological mechanics to accommodate changing realities of life. He publicly professed that he knew everything about religion,, and had ample testimony to prove that Islam was inherently creative and innovative. He summed up his views as follows:

The course of these obstacles to our progress and of the paralysis of our minds is not the Moslem religion. I know it, as I have studied it and learned it, as it was lived and practiced by the earliest members and by the Prophet himself, his companions, contemporaries and successors, the Moslem religion is not a doctrine of intellectual asphyxia. The first leaders of Islam were infinitely finer in the application of the principles of their religion, in their creativeness and adaptation to circumstances than our ulemas of the period of decadence are. As Head of the State and responsible for the Moslems to this day, I must think of every possible way of strengthening and building up the nation making it creative and energetic.<sup>72</sup>

After making the above mentioned remarks Bourguiba devoted the rest of his speech in convincing his audience that *ramadhan* was not based on reason, because in modern times nations needed increased production of goods and services for their survival. Fasting he said de-vitalized men and women. He mentioned that in the beginning dispensation of Ramadan was allowed only for sick people and travellers. Later *jihad* was added to the list and still later the ulemas included risk of illness as a possible cause to abstain from fasting. He further pointed out that the Tunisian people must use the dispensation for “the risk of illness” as a genuine reason to abstain from fasting, because it could spell economic disaster for the nation. Workers with physical energy depleted by fasting would be lagging far behind in meeting the economic targets. He implored his listeners to accept this dispensation and stay away from fasting. He said:



At a time when we are fighting against poverty, and drawing up progress and plans to remedy our underdevelopment; when we contemplate calling to account those who do not produce enough and restricting individual freedom; when the recovery of this Moslem nation depends on strenuous work; I urge you to make use of a dispensation which is based on a sound conception of religious law.<sup>73</sup>

There is no doubt that Bourguiba over-stretched his authority to use *ijtihad* as a liberating and reformative force in society. The religious circles of Tunisia remained intensely suspicious about his credentials and intentions in making drastic changes in the religious institutions, and in the end it became one of the major causes of present-day Islamic resurgence in Tunisia.

Colonel Muammar Qaddafi's approach to catapult Islam into modernity was vastly different from Bourguiba. Qaddafi from the very beginning of his rule announced that Islamization of the Libyan society was one of the primary objectives for which he had assumed power in the stage. Bourguiba on the other hand had been nurtured intellectually on French secular and socialist thought and modernization which in fact meant westernization of Tunisia was the supreme passion of his life, and his devotion to Islam was nothing more than a political expediency. Soon after his rise to power Qaddafi showed his devotion to Islamization by highlighting Islamic ethical precepts in his speeches and statements, and in order to fulfil his revolutionary commitment to Islam, he introduced drastic measures which instituted Qur'anic penalties for major crimes, banned sale or distribution of any alcohol, closed many churches and made night clubs illegal. All these reforms were done so rapidly that for the time being he became the vital symbol of Islamic reassertion in the world. Since Iranian revolution was still a decade away, and revolutionary Islamism of a militant brand was still nascent in the world of Islam, many western observers, and even Muslim secularists considered Qaddafi's apocalyptic approach to politics nothing more than an eccentricity of a fanatic.

Qaddafi showed undiminished zeal for his early Islamization, but he could not claim that he had any special knowledge of Islam as a religion. He lacked the aura of religious scholarship which in the past had entitled Muslim scholars to be included among the selected group of *Ahal al-Hall wal 'Aqd*. His age was also great barrier to any such claim. He was only twenty-seven when he came to power. Although he is not a profound scholar of Islam but he has always believed that the Islamic government has an intrinsic right to review religious affairs. He always showed distrust of independent Islamic activist groups like al-Ikhwan-al-Muslimeen in Egypt; and repeatedly warned the traditional ulema that

they could not be allowed to have the monopoly of interpreting the religious doctrine. He warned them to abstain from religious disputations. He said: “We do not want to be followers of any particular theory, or limit ourselves to our religious interpretations — we must not restrict ourselves to one independent Judgement in legal or theological question”.<sup>74</sup>

Having stabilized his position politically Qaddafi turned his attention to social and religious reforms. Relying on the assumption that by virtue of his Head ship of a Muslim state, he had the inherent right to reinterpret the religious doctrine, he seriously thought of compiling his version of modern Islam, which in his opinion would reactivate the fundamental dynamism of the doctrine and the reactionary ulema would cease to play any role in the socio-economic and political life of the society. Qaddafi took the matter so seriously that he compiled a 3 vols. Green Book containing his personal interpretations of Islam. The first volume entitled Green Book: Third World International Theory was published in 1975 and volume two appeared in spring of 1978, and the third one came out of the press in mid 1979. This institutions outlined in three volumes were so revolutionary and untested that as instruments for the reconstruction of society they could not function effectively. For instance, he abruptly declared that land was not a private property. He made this declaration on the eve of the publication of Vol. II of the Green Book. When leading Muslim scholars told that such legislation was against the spirit of Islam, he answered that the Qur’an itself had declared that all land belonged to God. He also declared that mosques were centers of paganistic tendencies and commissioned the popular committees to seize the mosques and purify them of all those practices which were un-Islamic.

Another important matter which would have disqualified Qaddafi from assuming the role of a *Mujtahid* was that because he had publicly expressed his disbelief in Hadith which is the primary source of the Sunnah. We have already seen all leading scholars of modern Islam, both among the Sunnis and the Shi’as have acknowledged unreservedly that any individual who initiates an *ijtihad* must have thorough knowledge of the Qur’an and the Sunnah of the Prophet. For fourteen hundred years Muslims of all shades of religious opinion have considered the Holy Prophet a great example in enduring nobility and to ignore it in signifying the excellence of Qur’anic message in its perfect form. Reinterpreting the laws of *Shari’yyah* would not gain consensus of the community. Qaddafi thinks that the Prophets’ life is only studied because it inspires a virtuous behaviour. In one of his statements Qaddafi made the following remarks:

If the Prophet had said: the Hadith is mine, follow its path, that would have meant that he was working to replace the Qur'an, but he continually insisted on taking the Qur'an alone....These words may seem strange. The reason is that we have strayed far at this stage, very far from Islam.<sup>75</sup>

An even more radical step which Qaddafi adopted was to change the beginning of Islamic calendar which completed its fourteen hundred years recently. This began with the *Hijrah* in September 622 A.D., and no one has disputed or doubted its validity throughout the Islamic history from Morocco to Indonesia. Muslims have always planned the *Hijrah* calendar to begin with the year when the Holy Prophet moved the headquarters of his prophecy from Makkah to Medinah. Qaddafi has envisioned that it make more sense to begin the Islamic calendar from 632 A.D, the year in which the Prophet died. In 1979, the Libyan government ordered that all officials and documents in the country will have the starting date of the Islamic calendar, the death of the Holy Prophet.<sup>76</sup>

The Islamic reforms introduced by the late Bourguiba and Qaddafi, give a clear indication that *ijtihad* if it is undertaken by a Muslim ruler, whether he happens to be a staunch secularist, or a dedicated fundamentalist, would always smack of extremism or an unbridled passion for a particular set of ideas. *ijtihad* has to be based on the balanced assessment of the situation, a sufficient knowledge of the religious doctrine to understand the nature of the problem of religious perspectives and thorough survey of the public opinion, so that the legislative requirement of *ijtihad* is fulfilled, and lastly it needs moral and physical means to enforce it. If the *ijtihad* is allowed to proceed at present among religious and secular circles of Islam, it would always end up in intellectual disarray, social chaos, political instability and moral anarchy.

It is a matter of common knowledge that notions of religion deeply embedded in human psyche could not be so swept away so easily. Any change in them is bound to meet considerable resistance from the people. Sociologically and psychologically, it is difficult to gatecrasher into change. It is most-likely to be counter-productive. Change is facilitated only when environments are receptive. Religion is a field which is most resistant to change, and one has to be extra-cautious about it, because it is flooded with a lot of emotional commitment of human-beings. Doors of *ijtihad* in Islam — particularly in Sunni Islam — have been closed for over a thousand years, and reopening of them would require considerable patience and prudence. Religious sensitivities of the masses have to be watched very carefully, because they often tend to be very explosive. To start a reformative crusade by attacking the fundamentals of Islam would

be a monumental mistake. We have already noticed that the late Tunisian President Bourguiba's tirade against Ramadan produced considerable resentment in the country, which surfaced with tremendous virulence when he became politically weak and his popularity declined. A similar incident took place in Egypt which was also related to Ramadan, and produced a great ideological uproar in that country. In 1955, Abd al-Hamid Bakhit, Pakistan Professor of History in the Faculty of Theology at al-Azhar, wrote that there was no need to abstain from food during the month of Ramadan. The articles created a big uproar among the religious circles and the Shaikh was summoned before the Disciplinary Council of the University and charged for contaminating religious opinion of the masses. Shaikh Bakhti was given public support by a leading Egyptian scholar, Muhammad Abu Zahre, Professor of Religious Law at the University of Cairo, saying that Shaikh's ideas on Ramadan were wrong, but his courage was commendable. The Disciplinary Council, however, continued its proceedings and on July 4, 1955 the council disallowed Shaikh Bakhit from teaching in any of the Universities or institutions of the country. It was during the course of this controversy that the Rector of al-Azhar, as a head of the leading religious institute of Muslim world, made clarification about the use of *ijtihad*. He pointed out that in Islam every one had the right to express his opinion, but no one can pronounce a judgement on a principle of faith which is fundamental. If the people are allowed to break the fast on the pretext of hardship at any time during the day, it kills the spirit of fasting and damages its spiritual and moral objectives. The Rector criticized the Shaikh for "naiveté of interpretation and flimsiness."<sup>77</sup>

Some zealous and over-enthusiastic reformist indulged in a similar controversy on another very vital religious matter, and made some radical recommendations. Although its earlier intensity has faded away from active theological debates, but remnants of it keep appearing occasionally in matter relating to religious reforms in modern Islam. It revolved around the issue, whether it was valid to read the Qur'an in the native language of the people. The proponents of the proposal argued that the Holy Book would be read and even prayers could be conducted in the vernacular of each Muslim society. Their argument rests on the fact that it would enable the masses to understand the divine message in its true spirit direct from the original source. At the moment, they depend on the handful of ulema, who alone can understand Arabic. An appropriate translation in the native language would give the masses much more spiritual joy when the sublimity of the meanings of the message would directly penetrate their soul and spirit. Zia Goakalp, a Turkish reformist, expressed his opinion on this point in the following words:

Turkism in religion simply means having scriptures, sermons, and preaching all in Turkish. A nation that is unable to read and understand the scriptures of its religion naturally fails to understand the real nature of its religion or the teachings of its preachers, and also fails to enjoy worship. The Great Imam Abu Hanifa even believed that reciting the verses during the daily prayers in national languages was permissible. The joy to be derived from prayers depends entirely upon through understanding of the verses read during worship. Thus in order to ensure to our religious life a greater enjoyment and stimulation, it is necessary to have the Kuran-except during the recitals, the litanies, the supplications that are read after prayers and the sermons- read in Turkish.<sup>78</sup>

The above attitude, however, has not been able to gain any widespread currency in the Muslim world. It is only confined to a few ultra-nationalists who are determined to nationalize even religion which as we know is universal and transcends all parochial and national affinities. Reading the Qur'an in Arabic and conducting prayers all over the Muslim world in the language of the Holy Book is a very powerful contributing factor in strengthening the principle of universality which is such an important feature of Islamic ideology. It is for this reason that religious scholars throughout the centuries have consistently resisted the move to read Qur'an and perform prayer in native languages, although copies of the Qur'an generally with interlinear translation in the native language of each Muslim society are readily available. Over and above the question of universality, the other fact which needs to be kept in mind is that the Qur'an cannot be translated literally, and every translation is likely to ignore the subtleties of the Arabic language, which are so critical to the meanings of the verses. The music and the sound of lines which helps in the penetration of the message to human soul cannot be achieved in a translation. Sir Hamilton Gibb says:

To paraphrase them in other words can only be to mutilate them, to substitute clay or fine gold, the plodding of the pedestrian intelligence for the winged flights of intuitive perception- an English translation of the Koran must employ precise and often arbitrary terms for the many — faceted and few jewel-like phrases of the Arabic and the more literal it is, the graver and more colourless it must become.<sup>79</sup>

The history of reform movements in modern Islam provides ample evidence that practically all of them show unmixed devotion to Islam, and their protagonists have not the slightest doubt in their mind that its message and the guidelines that it had furnished for human rectitude are valid although the modern civilization has undergone traumatic changes due to the lightening advancement of science and technology. They are generally critical of the fundamentalists or ultra-puritans and excessively Europeanized sections of the Muslim society whose indifference to Islam borders almost on irreligiosity. To the adherents of the strict orthodoxy,

they complain that their inflexible attitude has been the major cause for the decay of the progressive propensities of the religious doctrines, while to the westernized classes, they address a warning that their irreligious outlook could produce social and moral lawlessness with disastrous consequences for the whole society. They seem to be searching for a formula that would harmoniously blend modernity and traditionalism. They discourage indiscriminate borrowing from the West, but at the same time encourage the Muslims to adopt scientific and liberal ideas, which are not contrary to the spirit of the Holy Book, and the message embodied in the life of the Holy Prophet, but they would certainly like to remove the rust of superstition that has accumulated over some of the sterling excellencies of the faith.

The reformists believed that in order to inject strength and energy into the benumbed arteries of Islamic ideology, believers and particularly, the religious leaders have to mobilize their intellectual resources on two different fronts. First, the faith has to be purified of some of the impurities that have kept the doctrine static and retrogressive. Second, they must find means by which alien influences, which damage some unique characteristics of Islam, could be stopped from further infiltration into the Islamic society. Even foreign observers have concluded that unless indiscriminate incursion of foreign ideas is brought to an end, the Muslim culture would lose its ideological identity. Sir Hamilton Gibb has pointed out that unless the Muslims of the world have learned to defend their religious culture from outside influences, each Muslim society would become a corrupt replica of Western social system. He says:

It is not, then the institution and techniques borrowed from the west, however, massive such borrowings may be, nor yet the external evolution shown in the last century which will be of final significance, but the inward reaction toward the cultural values which are seeking to find their place within Muslim society under the cover of these borrowings. Everything depends on the capacity of Muslim society to defend and protect its values and cultural traditions against the western invasions. If it fails this task, it is lost as a Muslim society. It will inevitably become a more or less faithful copy of western society with secondary characteristics peculiar to the different countries and languages.<sup>80</sup>

The thrust of the Western intrusion during the nineteenth century in the world of Islam was volcanic, and torrents of ideas started pouring in from all directions. The attack was multi-dimensional: social, political and ideological. This was not the first time that Muslim civilization had been subjected to foreign political and ideological invasions, but in the early history of the Islam, such invasions took place at different times. The ideological attack of the Greek thought came at the peak of

Abbaside political ascendancy, while the physical invasion of the Mongols which ransacked the Muslim empire politically and militarily at the time when Abbaside caliphate had been completely ship-wrecked. In both cases the Muslim civilization survived and outlived the impact of these incursions. The immediate repercussions of Greek thought were great, it generated many crucial debates and controversies, but the ideological cushions of Islam were strong enough to blunt the severity of this attack. Even the ravages of the Mongol inroads were rehabilitated, and under Ottomans, the Muslim empire again touched the pinnacle of its greatness. During the nineteenth century, the physical and ideological attacks from the West came simultaneously and came at a time when the Islamic ideology had been weakened and politically, the Muslim empire was in complete disarray. In these circumstances, one is not surprised that intellectual and educated classes were so readily carried away by the superiority of the Western civilization. It was in the midst of these environments that a modern Muslim reformer had to tread the difficult path of convincing the excessively Westernized section of the population and European observers that Islam was so retrogressive as they thought, and they had to show to the masses that modernity was not as un-Islamic as they felt it to be. With the skeptics, he had to speak as at intellectual and philosophical level, while talking with the masses who were always ready to label any admirer of the West as a Godless infidel. He had to romanticize and emotionalize the achievements of the Islamic culture showing that all major attributes of Western civilization which were considered its most coveted glories had already been achieved by Islam several centuries ago. Grunebaum, while comparing the borrowing which the Muslims did from the other cultures during the Abbaside period, and the one which is being done today in the Muslim lands concludes that the Muslims then borrowed from a position of power and picked up science and technology which in their opinion was not inimical to the religion. Moreover, they did not borrow in haste and selected things as needs arose during the process of adjustment to alien cultures. Today he says the Muslim civilization is on the defensive, and ideas and concepts are being borrowed from the West under stress of inferiority complex and everything is meant to be accomplished in a hurry. In his opinion, this whole process could be very disruptive.<sup>81</sup> The reformists are keen to demonstrate that the Western political systems, themselves, are passing through a very critical period of their modern history. Much of the idealism, and the sky-licking hopes that they had put in their ideologies have collapsed, and many Western societies are morally shipwrecked and ideologically completely bewildered.

Muhammad Asad has made the following comments on the moral hollowness of the civilization in the West.

It has become evident that none of the contemporary western political system, economic liberalism, communism, national socialism, social democracy and so forth, is able to transform that chaos into something resembling order, simply because none of them has ever made a serious attempt to consider political and social problems in the light of absolute moral principles. Instead each of these systems bases its concepts of right and wrong on nothing but the supposed interests of this or that class or group or nation. In other words on people's changeable (and indeed continuously changing) material preferences. If we were to admit that this is a natural — and therefore desirable — state of affairs, we would admit by implication that the terms right and wrong have no real validity of their own but are merely convenient fictions fashioned exclusively by the time and socio-economic circumstances.<sup>82</sup>

In other words, the last two decades of this century seems to be the most opportune period of the modern history of Islam, because it has enabled reformist to launch an effective crusade, to prove that Islam in these times of turbulence is capable of providing an effective alternative to the contemporary European ideologies. There is a discernible disenchantment even among the educated elites of the Muslim world, regarding the moral and spiritual failure of the western civilization, and if properly inducted back into the fold of Islam, they could realize that Islam not only is progressive and dynamic, but also guarantees material prosperity based on sound and solid moral ideals.

The most encouraging sign on the religious firmament of Islam during the last decade of the twentieth century is even the leaders of the revolutionary Islamic movements have publicly acknowledged that *ijtihad* is an essential weapon in the spiritual arsenal of the Muslims to meet the challenges of modernity as the Muslim *ummah* steps into the twenty-first century.

The Western observers and even the Muslim secularist have a mistaken view of the present-day Islamic revival or fundamentalism. Its followers are often labelled as bigoted reactionaries, who are *muqallidin* which they want to replicate in totality, regardless of its questionable feasibility under modern circumstance. This is a false assumption, because the manifestos of all Islamic revolutionary movements show that their proponents are retrogressive and progressive at the same time. If they want to rejuvenate the past, they also have a catalytic approach to the future. Change through *ijtihad* of the laws and practices that hamper the progress of Islam as a dynamic force in the world is uppermost in their minds. The wide-spectrum on which they tend to operate is in itself a sufficient indication that all the plans of religious, economic, social and



political reconstructing of the Muslim society, they advocate could not be accomplished without creative intervention of *ijtihad*. Hassan al-Banna's al-Ikhwan al-Muslimeen is considered the earliest revolutionary Muslim fundamentalist of our time. His plans included the creation of a truly Islamic society based on the Qur'anic principles of Justice, economic equality and political patterns. Hamid Enayat has summarized its plan as follows:

The Brothers' contribution to the Arab cause in Palestine must have played a decisive role in encouraging Banna' to decide in 1939 on turning the Society into a political organization. What is of more interest to us is that the Brothers redefined their ideology for the next phase in a way which stressed the ability of Islam to become a total ideology, since they now declared their programme to be based in three principles:

- a. Islam is a comprehensive, self, evolving (*mutakamil biddhatihi*) system; it is the ultimate path of life, in all its spheres;
- b. Islam enumerated from, and based on, two fundamental sources, the Qur'an, and the Prophetic Tradition;
- c. Islam is applicable to all times and places.

Banna' then declared his movement to be the inheritor, and catalyst, of the most activist elements on the Sunni traditionalist and reformist thinking by describing it as 'a *Salafiyyah* message, Sunni way, cultural link, an economic enterprise and a social idea. The programme of the Society consisted of two terms. One was the 'internationalization' of the movement: it stressed the necessity of a struggle not only to liberate Egypt, but the whole of 'the Islamic homeland' from foreign control. The other was the duty 'to institute in this homeland a free Islamic government, practicing the principles of Islam, applying its social system, propounding its solid fundamentals, and transmitting its wise call to the people'.<sup>83</sup>

It was obvious that the sociological, economic, ethical, educational and technological revolution that al-Banna' had envisioned or an Islamized society could not be achieved without resorting to wide variety of *ijtihad* measures. Al-Banna' at one stage of his career wrote a long letter to many Heads of the Muslim States, in which he delineated in detail. The program of his movement and refuted the contention of those who had declared reactionary. He concluded this letter with the following remark:

This is the message of Muslim Brotherhood. We submit it, and place ourselves, our talents, all we possess in the hands of any committee or government desirous of taking a step forward, hand in hand with an Islamic nation toward progress and advancement.<sup>84</sup>

Although it is common among scholarly circles of Islam to assume that the doors of *ijtihad* were closed after the fall of Baghdad in 1256, but careful examination of history of law and politics could easily show that it does not seem to be a valid conclusion. History of Islamic judiciary shows that in each Muslim kingdom, two public offices of indisputable significance were those of *qazi* and *mufti*. *Qazi* heard cases, examined witnesses and administered justice, while *mufti* interpreted the law, searched for rules in the authentic books of *fiqh*, and if no regulation or precedent was available, he would give his own interpretation, called *fatwa*. Every *fatwa* was based on the individual reasoning of the *mufti*, and was in essence was an *ijtihadi* act. It is sometimes called *ijtihad al-Sagheer* but it still it is a product of independent reasoning.<sup>85</sup>

It must, however, be kept in mind that the concept of the closing of the doors of *ijtihad* is entirely a Sunni concept. All the debates and discussions that have been going on for centuries in the history of Islam are mostly confined to Sunni scholars. In the Shi'a Islam *ijtihad* is a built-in-mandatory requirement of the religious doctrine. Living as an aggrieved and oppressed minority Shi'as had to rethink and re-evaluate their strategies of defense mechanism for survival in the midst of hostile environmental. They practiced *taqiyya* to escape the wrath of the Sunni rulers, and naturally it required skilful manipulation of the logic of the situation. Shi'a religious leaders therefore were always called *Mujtahids* meanings those who were capable of issuing *ijtihadi* judgements. The teachings of the Shi'a religion, therefore, were being constantly adjusted to the social, economic and political realities of the Muslim community. Imam Khomeini's revolution took place because the Shi'a *Mujtahids* were not prepared to accommodate the policies of the Shah. Moreover according to Shi'a doctrine the real ruler is *Imam-i Ghaib* who has to assume of power at the end of time. In his absence, however, the affairs of the community are to be conducted by the *Marja-e taqlid*. No one could question the legitimacy of his commands, and he is invested with unlimited authority to make and unmake rules on all matters including religion. Hamid Enayat has described the nature and importance of *ijtihad* and how it differs between the Shi'as and the Sunni ideological traditions as follows:

We saw before that *ijtihad* was one of the causes of dispute, because the Shi'as hold it to be not only permissible, but also a permanent, imperative duty of the learned as the principal means of extracting the religious rules from the Qur'an, from the Tradition and the consensus, while the Sunnis have repudiated it ever since the ninth century as an aberration leading to intellectual disarray and legal void!<sup>86</sup>

According to Hamid Enayat, this ideological flexibility of Shi'aism has helped the Shi'a community to develop powerful doctrinal cushions to absorbable the shock of change, co-operation, and transitional pains and aches of accommodating critically changed realities. It has kept revolutionary spirit among Shi'as active and effective than Sunnis. In his opinion even if *ijtihad* is applied only to secondary matters, this occasional fermentation could certainly keep the believers aware of the fact that change is an indisputable necessity for the survival of social system.<sup>87</sup>

Iran perhaps is the only Muslim country where the religious potency of Shi'a *ijtihad* has been tested most frequently and more often than not it has been triumphant and successful. The present history of Shi'aism in Iran began with the rise of Safvides in 1502 A.D. and during nearly five hundred years the country has been through many cultural and political convulsions, but *ijtihad* of the *Mujtahids* has always come to their help and acted as a defense against a major disasters. Shi'a *Mujtahids* are divided into two groups, i.e. *Usuli* and *Akhbavi*. *Usuli*, who mostly have dominated the religious scene, have an undeviating faith in the necessity and righteousness of *ijtihad*, while the *Akhliar Mujtahids* are conservative and abstain from creative thinking. Therefore during any social upheaval, political confusion, or foreign invasion it is *Usuli* Shi'a ulema who shoulder the major responsibility of steering the nation to the shore of safety through their innovative thinking. The 1906 Constitutional Revolution is one of the greatest episode of the history of Iran during the twentieth century, and it was primarily due to the mobilizing abilities of the *Usuli Mujtahids* and their ability to convince the populace through *ijtihad* that constitutionalism turned out to be such a great success in the modern history of Iran. In the sphere of religion the most visible and most powerful position in the Shi'a hierarchy that of *Marji-e-taqlid* which in itself was an outcome of *ijtihad*. Till about the middle of the nineteenth century this position did not exist in Twelver Shi'a Imam. Shaik Murtaza Ansari (d 1864) was the first Shi'a 'Alim to assume this title and powers and privileges that went with it. He completely centralized the religious and financial authority in this office. In a country raked with political despotism this office has successfully operated as a countervailing force to protect the rights of the people, and has fortified the Shi'a faith against ideological fragmentation.

The twentieth century Twelver Shi'aism is characterized by three basic concepts, i.e. Constitutionalism, (ii) *taqiyya* and (iii) Martyrdom. Constitutionalism, which triumphed in 1906, brought them face to face with absolutely new realities that Shi'as had not been witnessed before in their history. Democracy required a different type of psychological

climate to which they had not been accustomed and *taqiyya* and martyrdom were syndromes, which seemed inimical to the success of constitutionalism. *Taqiyya* smacked of self-deception, and Martyrdom idolized self-sacrifice even if it meant self-destruction. This posed a serious ideological dilemma, but Shi'a *Mujtahids* as the history of modern Shi'aism in Iran shows, were able to resolve it successfully thorough *ijtihad*, without producing any religious friction or ideological divisiveness among the ranks of the clergy. From the status of divinely appointed religious elite's, senior clergymen readily accepted the position of popularly elected leaders, and in fighting against social and political evils in society they abandoned *Taqiyya* and changed self-sacrifice into self-assertion. Again through *ijtihad* they changed Shi'aism from a cult of moaning and immolation into a full-blown ideological movement. Hamid Enayat describes the reasons for this dramatic transformation of the Shi'a doctrine as follows:

A heightened political atmosphere in Iran since the end of the nineteenth century, combined with the pressure of having to answer Sunni criticisms of Shism as described in Chapter 1-as well as the rivalry of growing popular secular ideologies, both forced and helped a number of Shiis to rethink the traditional undoubtedly changed some of the political features of Shism which we enumerated in Chapter 1 turning it from an elitist, and contempt for innate privilege. It is a rethinking which has greatly diminished Shii differences with the Sunnis, and is as much entitled to the epithet modernist as similar stirrings of religio-political thought among the Sunnis during the last century.<sup>88</sup>

The controversy which still seems to continue among Muslim Jurists is about the competence of an individual who could reinterpret any established religious practice to accommodate changed circumstances. Both Sunni and Shi'a tradition of *ijtihad* emphasize that a *Mujtahid* ought to be a religious scholar who is well versed in the knowledge of the Qur'an and the Sunnah of the Holy Prophet, has mastered the laws of *Shari'yyah* and is fully acquainted with all the major decisions made and statements issued by his leading predecessors. There are, however, a section of Islamic Jurists who conclude that *ijtihad* is not a privilege confined only to the ulema. It is a right which is enjoyed by every Muslim, as long as the Judgement he makes is either concerned only to himself or to any particular case under discussion. Those who think that *ijtihad* is broad based concept often refer to the case of Muaz, whom the Prophet allowed to use independent reasoning when the Qur'an and the Sunnah of the Holy Prophet did not throw any light on any particular issue. Cyril Glasse has made the following comments on this issue:

Although the possibility of a *Mujtahid* arising today is accepted in theory, the preliminary qualifications expected of him would be tantamount to perfect knowledge of all the laws expounded before him; this would surely be an insurmountable obstacle. Therefore it is said that “the door of *ijtihad* is closed” as of some nine hundred years, and since then the tendency of jurisprudence (*fiqh*) has been to produce only commentaries upon commentaries and marginalia. Nevertheless, it is also clear that *ijtihad* is always situations which are new or unique, or because information is lacking or competent authorities not present. As long as an individual is responsible for himself until the Day of Judgement, every believer finds himself, at one time or another, in the position of Muaz, and has to fall back upon the *ijtihad* of personal decision. Within the Sunni world, the decisions of judges in certain domains over the years represent small increments of *ijtihad* at the levels of the Schools of Laws.<sup>89</sup>

The consensus in the world of legal scholarship however is that *ijtihad* must be limited only to the competent religious authorities because otherwise if all believers are allowed to exercise independent reason, the entire Islamic legal system would become an unwieldy mass of inconsistencies. Both Sunni and Shi’a scholars tend to agree on this. The main difference between the two branches of the mainstream Islam is that among Sunni the number of religious authorities accomplished enough to be elevated to the position of a *Mujtahid* is very limited, but among Shi’as in any particular period of history the number tends to be very large, and during the twentieth century due to their growing social and political influence, there has been a considerable expansion in their ranks. In short, *ijtihad* theoretically could be exercised only by a small group of religious elites who in the Juristic vocabulary were called *ahl al-hall wal-aqd*. Stalwart Muslim religious scholars like Rashid Rida of al-Minar in Egypt and Maulana Abul Ala Maududi of Pakistan were member of this elitist group and held positions next to the Head of the State in a Muslim community.<sup>90</sup>

As one surveys the ideological scene of the world of Islam, *taqlid* and *tajdid* seem to be still active forces in popular Islam. In the second half of the twentieth century, particularly since the seventies, both traditional tendencies of the Islamic doctrine, however, have been overshadowed by a new wave of religious resurgences which is unprecedented in the modern history of Islam. It is unique in the sense that it is almost a global phenomenon, and as voices could be heard in all Muslim countries. Its ideological rumblings are being felt even among communities in which Muslims are in minority.<sup>91</sup> The proponents of this revolutionary movement live in different lands, have different cultural backgrounds, and even differ in the intensity and militancy of their feelings towards religion. But in spite of these differences, revolutionary movements in various Muslim societies have certain common objectives

and similar attitudes about the role of Islam in the social, political, educational, cultural and economic spheres of human life in a Muslim community. Leadership of these movements is not confined to religious classes. Leaders are drawn from many sectors of society; professional, educational, doctors, engineers and scientist. Islam is their focal point, and they all agree that as a manifesto for the resolution of countless issues and problems of life, Islamic ideology is unquestionably superior to all the ideologies of the twentieth century which originated in the west and after dominating human civilizations for over a hundred years have shown their total inability to create peace and order in the world to help human beings to build the edifice of civilization a solid and durable moral ideals. In their opinion, Islam alone has the spiritual strength moral efficacy and effective guidelines for political stability, economic planning, and social harmony in human societies. The failure of the West, they point out, has left a yawning hiatus in the religio-political thinking of the contemporary world, and Islam has the ideological capability to fill their vacuum.

But to achieve these objectives, Muslims will have to establish unity among their own ranks — which at the moment seems a very remote possibility — and prove unequivocally that regardless of bewildering diversity among Muslim nations, they all have faith in the eternal veracity of the Qur'an as a revealed word of God, and they all are unanimous in acceptance of the Holy Prophet as a perfect human being, in character and achievements. More than anything else, they must demonstrate to the fullest satisfaction of the rest of the world that Islam is dynamic, progressive and achievement-oriented. It would be required of Muslims to prove that the stereotypes currently rampant among the non-Muslim circles against Islam are hand on past prejudices, misunderstandings and wrong interpretations. In short, Muslims by thought, word and action must establish that Islam is capable of meeting all the challenges of modernity. To accomplish this *ijtihad* is the only instrument by which they could do the praising of redundant ideological out-growth to restore the symmetry, and the beauty of the original faith, and to remove the undergrowth of the shrubbery of indefinable customs, and thoughtless cultural moves, so that the pristine doctrinal landscape of Islam, which enthralled humanity in the beginning, could again be seen with the naked eye. It is in view of these facts that *ijtihad* has assumed in disputable significance in modern Islamic thought, and in any discussion about Islam.

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### Notes and References

- 1 The book was first published in 1893 and has been reprinted several times.
- 2 Rt. Hon Ameer Ali, *The Spirit of Islam*, 1922, pp.175-176.
- 3 Sir Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (London: Oxford University Press, 1934), p.158.
- 4 G. E. Von Grunebaum, *Islam: Essays in the Nature and Growth of Cultural Tradition* (London: Routledge and Keagan Press, 1964), pp.200-205.
- 5 Lord Cromer, *Modern Egypt*, Vol. II., p.184.  
*Ibid.*, p.161 (contrary to Cromer's views there were many European scholars who believed that Islamic doctrine had built-in plasticity and at every state of its development had shown remarkable capability to adopt itself to changed realities. Sir T. W. Arnold says, "that Islam has the power of the religion to adopt itself to the peculiar characteristics and the stage of the development of the people whose allegiance it seeks to win," *The Preaching of Islam*. p.371.
- 6 Stanley Lane Poole says, "the faith of Islam has passed through more phases and experienced, greater revolution than perhaps any other of the religion of the World", *Studies in the Mosque*, p.169.  
Even more emphatic is Igniz Goldzihers (1850-1912) who says, "the evidence allows us to say that on the whole the religious leaders of Islam, despite all pious upholdings of the concept of the Sunnah, did not always stubbornly ignore changing needs and new circumstances that arose with the passage of time. Thus it would be wrong to describe Islamic law immutable from the first to the last even in the early period of Islam, political and economic institutions had to be developed beyond the usage of primitive Islam." *Introduction to Islamic Theology and law*, Translated from German by Andras and Ruth Hamori (Princeton: Princeton University Press, 1981), p.233.
- 7 As late as 1951, Montague, a leading French administrator and ethnographer wrote that in Islam, "evolution is boundlessly slow. For Islam even more than for other religions, one has count not in years but in centuries." cf. Dale E. Eickelman *Moroccan Islam: Tradition and Society in a Pilgrimage Centre* (Austin University of Texas Press, 1976), p.22.
- 8 Muhammad Ahmad ibn Abdallah (1863-1885) declared himself Mahdi in Sudan.
- 9 Syed Muhammad Ali as-Sanusi (1791-1859) founded the mystical order of Sannsis in Libya.
- 10 Cyril Glasse, *The Concise Encyclopaedia of Islam* (San Francisco: Harper, 1991), p.397.
- 11 cf. John O. Voll, "Renewal and Reform in Islamic History: *Tajdid and Islah*" in John Esposito (ed.) *The Voices of Resurgent Islam* (New York: Oxford University Press, 1982), p.233.

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- 12 Philip K. Hitti, *History of the Arabs* (London: McMillan and Co., 1960), p.677.
  - 13 cf. Lapidus, *A History of Islamic Societies* (New York: Cambridge University press, 1999), p.199.
  - 14 cf. Dwight M. Donaldson, *Studies in Muslim Ethics* (London: SPEK, 1953), pp.139-140.
  - 15 Al-Ghazali, *Nasihah al-Muluk* (Counsel for Kings), translated by F.R.C. Bagley (London: Oxford University Press, 1964), pp.88-89.
  - 16 Cyril Glasse. *op.cit.*, p.138.
  - 17 Ira Lapidus. *op.cit.*, p.416.
  - 18 Ahmad Galwash, *The Religion of Islam*, Vol. II, (Cairo: 1961), p.179.
  - 19 Syed Abul Ala Maududi, *Islamic Law and Constitution* (Lahore: 1960), p.79.
  - 20 S.G. Versey-Fitzgerald, "Nature and Sources of Sharia" in *Law in the Middle East* (ed.), Majid Khadduri and Herbert Lebesuy, (Washington: 1955), p.104.
  - 21 W. Morgan Kenneth, *Islam: The Straight Path* (New York: 1958), p.437.
  - 22 The Qur'an, 4:83.
  - 23 A.H. Siddiqui, "Concept of State in Islam" in *International Islamic Colloquium Papers* (Lahore: 1960), p.71.
  - 24 Ira Lapidus, *op.cit.*, p.194.
  - 25 John Alden William, *The Word of Islam* (Austin: University of Texas Press, 1994), p.163.
  - 26 John O. Voll, "Fundamentalism in Sunni Muslim World: Egypt and Sudan" in Martin Marty and R.Scott Appleby (Chicago University Press, 1991), p.351.
  - 27 F. Abbott, "The Decline of Mughal Empire and Shah Waliullah", in *The Muslim World*, Vol.LII, No.2, April, 1962, p.117.
  - 28 The English translation of the collected parts of this book was published in *The Muslim World*, 1955, pp.347-58.
  - 29 Fazlur Rahman, "Thinkers of Crisis, Shah Waliullah" in *Pakistan Quarterly*, Summer, 1956, p.66.
  - 30 The Qur'an 3:190.
  - 31 The Qur'an says, "so we sent against them the flood and the locusts and the vermin and the frogs and the blood-a succession of clear signs. But they were arrogant and became a guilty folk." VII:12 Gustave Grunelauru has quoted this Tradition of the Prophet. Acquire knowledge, because he who acquires it in the way of the Lord performs an act of piety; who speaks of it, praises the Lord, who seeks it adores the Lord, who dispenses instruction in it, bestows alms, and who imparts it to its fitting objects, perform an act of devotion of God. Knowledge enables its possessor to distinguish what its forbidden from what it not; it lights the way to Heaven;



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it is our friend in the desert, our society in solitude, our companion when bereft of friends; it guides us to happiness; it sustains us in misery; it is our ornament in the company of friends; it serves as an armour against enemies. With knowledge the servant of God rises to the height of goodness and to a noble position, association with sovereign in this world and attains to the perfection of happiness in the next. *Medieval Islam* (Chicago: The University of Chicago Press, 1971), p.236.

32 France Rosenthal, *Knowledge Triumphant: The Concept of Knowledge in Medieval Islam* (Leiden: E.J. Brill, 1970), p.20.

33 *Ibid.*, pp.80-83.

34 The Qur'an has inculcated reading and learning in unmistakeable terms:

In chapter, al-Alaq (The Clot)

It says, Read: in the name of thy Lord who createth man from clot.

Read: And thy Lord is the Most Bounteous who teacheth by the pen.

Teacheth man which he knew not. 96:1-5.

And in another chapter the Qur'an says,

And unto Lot we gave judgement and knowledge, and we delivered him from the community that did abominations.

LO: they are folk of evil, Lewd. 21:74.

35 Maxime Rodinson, *Islam and Capitalism* (New York: Panthenon Books, 1973), p.81.

36 *Ibid.*, p.92.

37 Maxime Rodinson says, "If the later exhorts the believer to such virtues as impartially, respect for oaths, continence, straight-forwardness, etc., to pious works, to charity towards the poor, towards kinsfolk, neighbours and travellers, it is clear that a certain freedom at least in appearance to act, or not act is acknowledged to be possessed by man. Furthermore, social activities which are not themselves pious or beneficent are if not recommended to men, at least, permitted and treated as normal modes of existence." *op.cit.*, p.93.

Syeed Hossein Nasr has described the relationship of knowledge and revelation in these words:

The primordial character of its revelation, and its confidence that it was expressing the Truth at the heart of all revelations, permitted Islam to absorb ideas from many sources, historically alien yet inwardly related to it. This was especially true in regard to the sciences of nature, because most of the ancient cosmological sciences – Greek, as well as Chaldean, Persian Indian and Chinese – had sought to express the unity of Nature and were therefore in conformity with the spirit of Islam. Coming in contact with them, the Muslim adopted some elements from each – most extensively, perhaps, in the case of alchemy, even from the Chinese. They united these sciences into a new corpus, which was to grow over the centuries and become part of the Islamic civilization, integrated into the

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basic structure derived from the revelation itself. *Science and Civilization of Islam* (Cambridge: Harvard University Press, 1968), p.30.

- 38 *Ibid.*
- 39 cf. Malcolm H. Kerr, *Islamic Reform: The Political and Legal theories in Muhammad Abduh and Rashid Rida* (Barkley: University Press, 1966), p.138.
- 40 *Ibid.*
- 41 al-Ghazali, *Nasihah al-Muluk* (Counsel for Kings), translated by F.R.C. Bagley, (London: Oxford University press, 1964), p.113.
- 42 Ignaz Goldziher has described the concept of sainthood in Islam in these words, "In the opinion of Muslim, a Wali is not made through his deep penetration into the divine secrets. Involuntary rapture, which is not prepared for by the person concerned through study and speculation, is beginning and the visible sign of Waliship. People partaking of such a state are called *Majdhub*. The Muslim Wali is not canonized only after his death; during his life-time he is recognized as such by the people and practices his miracles for all. See, *Muslim Studies*, Chicago Aldi Atherton 1971, p.264. (Even Ibn Khaldun a leading Muslim scholar who firmly believed in rational and scientific thinking speaks favourably about the miracles of Muslim saints. he says, "Another sign by which (inspired human being can be recognized) is that they work wonders which attest to their truthfulness. Wonders a reaction the like of which it is impossible for other human beings to achieve. They are therefore, called miracles. *The Muqaddimah*, Vol.I, translated by Franz Rosenthal, (Princeton University Press, 1967), p.188.
- Goldziher has made these remarks on Ibn Khaldun:  
 Even the Arab philosopher who is by no means credulous about the graves of saints, speaks in favour of the miracles performed by saints. Ibn Khaldun favours this belief in several passages of his *Muqaddimah* and calls the stories about the pretended miracles of the adepts of Sufism, their prophecies and revelations and their power over nature 'a true and undeniable fact'. *Muslim Studies*, Vol.II. Translated by C.R. Barber and S.M. Stern, (Chicago: Aldine, Atherton, 1971), p.340.
- 43 cf. Maxime Rodinson, *op.cit.*, p.111.
- 44 cf. Zai Badawi, *The Reformers of Egypt* (London: Croom Helen), p.53.
- 45 *Ibid.*, p.56.
- 46 cf. Albert Hourani, *Arabic Thought in the Liberal Age, 1798-1938*, p.232.
- 47 Sir Muhammad Iqbal, *Speeches, Writings and Statements of Iqbal*, edited by Latif Ahmad Sherani, (Lahore: 1977), p.121.
- 48 *Ibid.*
- 49 The Qur'an, 61:10-11.
- 50 Louis Massignon says, "It would, however, be out of place here to criticize in itself, in the name of pacifism, the conception of *jihad*, of Holy war

although at the present there are to be found a number of Muslims apologists who are endeavouring to lessen its importance and detract from its force. It is indeed one of the elements of dignity in Islam that it maintains in the world the conviction that as between man not everything is capable of being made an object of bargaining, buying and selling, but that there are some things which are worthy to have the sword drawn on their behalf." cf. *Whither Islam?* edited by H.A.R. Gibb (London: Victor Gallancz Ltd., 1932), p.78.

- 51 Albert Hourani, *op.cit.*, pp.228-229.
- 52 Sir Hamilton Gibb, *Modern Trends of Islam*, p.118.
- 53 Sir Muhammad Iqbal, *op.cit.*, p.97.
- 54 *Ibid.*, p.98.
- 55 *Ibid.*, pp.132-133.
- 56 The Qur'an, 4:115 (G.E.V. Grunebaum has described the relationship between *ijma* and *ijtihad* in these words, "Thus the *ijma* for instance, by shifting its stand on *ijtihad* remove one of the main obstacles to the modernization of the Islamic structure. A Tradition of the Prophet has it that he who applies himself to form his own opinion through his personal exertion (*mujtahid*) will receive a reward even though he reaches the wrong conclusion. The fallible *ijtihad* of the individual would always be corrected by the inerrant *ijma* of the community. *Medieval Islam: A Study in Culture Orientation*, *op.cit.*, p.151.
- 57 Syed Faqir Waheed-ud-Din, *Roozgar-i-Faqir*, Vol. I, (Lahore: 1963, p.87.
- 58 *Iqbal Nama*, Vol.I, *op.cit.*, pp.46-47.
- 59 Sir Muhammad Iqbal, *Reconstruction of Religious Thought in Islam* (Lahore: 1951), p.148.
- 60 *Ibid.*, p.147.
- 61 *Ibid.*, p.157.
- 62 *Ibid.*, p.162.
- 63 cf. Mujeeb, *The Indian Muslims Montreal* (McGill University Press, 1967), p.458.
- 64 Muhammad Asad, *The Principles of State and Government in Islam* (Berkley: University of California Press, 1961), p.15.
- 65 *Ibid.*, p.14.
- 66 *Ibid.*, p.13.
- 67 Henry Moore, *Tunisia Since Independence: The Dynamics of one Party Government* (Berkley: University of California Press, 1964), p.47.
- 68 *Ibid.*, p.47.
- 69 *Ibid.*, p.44-51.
- 70 *Ibid.*, p.58.
- 71 cf. Benjamin Rivilian and Joseph S. Sylonwicz (eds.), *Contemporary Middle East Tradition and Innovation*, pp.353-359.

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- 72 cf. Henry Moore, *op.cit.*, p.57.
- 73 *Ibid.*, p.58.
- 74 cf. Haluli Bourguiba, "For Ramadan Reform" in Benjamin Rivilian and Joseph S. Sylonwicz (eds.), *Contemporary Middle East; Tradition and Innovation* (New York: Random House, 1965), p.173.
- 75 cf. *ibid.*, pp.171-172.
- 76 cf. Lisa Anderson, "Qaddafi's Islam" in John Espoisto (ed.), *Voices of Resurgent Islam* (New York: Oxford University Press, 1983), p.191.
- 77 cf. *ibid.*, p.144.
- 78 cf. *ibid.*, p.145.
- 79 Benjamin Rivilin and Joseph S. Sylonwicz (eds.), *Contemporary Middle East, op.cit.*, pp.177-178.
- 80 Zia Gokalp, *Turkish Nationalism and Western Civilization*, translated by Niazi Berkes (New York: Columbia University Press, 1959), p.301.
- 81 Sir Hamilton Gibb, *Modern Trends in Islam, op.cit.*, p.4.
- 82 Sir Hamilton Gibb, *Studies in the Civilization of Islam* (Boston: Beacon Press, 1962), p.1.
- 83 Gustave E. Von Grunebaum, *Islam: Essays in the Nature and Growth of Cultural Tradition*, pp.239-292.
- 84 Muhammad Asad.
- 85 Hamid Enayat, *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), p.85.
- 86 cf. Shaukat Ali, *Masters of Muslim Thought*, Vol. II, (Lahore: Aziz Publishers, 1983), p.544.
- 87 John Alden Williams, *The Word of Islam* (Austin: University of Texas Press, 1994), p.106.
- 88 Hamid Enayat, *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), p.47 [Sunnis have opposed *ijtihad* in matters of religion for a variety of reasons. The most important reason that proponents of *Taqlid* (blind following), however, put forward is that *ijtihad* increases the scope of heretical thinking in Islam. In their opinion, it is the back door to heresies and could be an enduring source in encouraging Muslims to indulge in 'latitudinarianism'. They point out that *ijtihad* had already done enough damage to the ideological unity of Islam, and reopening the doors of the *ijtihad* in the twentieth century would further disrupt the religious cohesiveness among Muslims. Hamid Enayat, *Modern Political Thought* (Austin: University of Texas Press, 1982), p.51.]
- 89 *Ibid.*, p.160.
- 90 *Ibid.*, pp.163-164.
- 91 Cyril Lasse, *op.cit.*, p.182.

## ***Glossary***

### **A**

<i>al-Adl</i>	Social justice
<i>Ahl al-Hall wal-Aqd</i>	The people who loose and bind
<i>Alim/al-Alim</i>	He who knows/scholar
<i>Amal-i Salih</i>	Good works
<i>Amir al-Muminin</i>	Commander of the Faithfuls
<i>Aml</i>	Actions/deeds
<i>Aql</i>	Intelligence
<i>Awkaf</i>	Religious endowments
<i>Ayats</i>	Signs
<i>Ayina-i Watan</i>	Mirror of Fatherland

### **B**

<i>Baghi</i>	Law-breaker
<i>Batnis</i>	Inner
<i>Bayah</i>	An oath of allegiance
<i>Bayt al-Hikmat</i>	Home of wisdom
<i>Bida'</i>	False innovation

### **D**

<i>Dar-ul Fanun</i>	Polytechnic College
<i>Dar-ul Harb</i>	The abode of war
<i>Dar-ul Islam</i>	The abode of peace
<i>Darvaish</i>	Sufi or mystic
<i>Din-i Elahi</i>	Divine religion
<i>Dirhams</i>	Arabic currency
<i>Diyyat/Diyah</i>	Compensation

### **F**

<i>Falasca</i>	Philosophy
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<i>Fardh</i>	Compulsory
<i>Fatawa</i>	Judgements given by <i>Muftis</i> (specialists of Islamic laws)
<i>Fiqhee</i>	Jurist
<i>Fuqaha</i>	Jurisconsults (plural of <i>Fiqhee</i> )
<i>Furu</i>	Islamic Law

## H

<i>as-Haab al-Hal wal-Aqd</i>	The people who loose and bind
<i>Habs</i>	Obedience of wife to her husband
<i>Hadd</i>	Punishment
<i>Hadith</i>	Tradition of the Holy Prophet
<i>Hajj</i>	Pilgrimage of the Holy places of Makkah and Medina
<i>Haqq</i>	Truth/Faith
<i>Haquq al-Allah</i>	The Rights of God
<i>Haquq al-Ibaad</i>	The Rights of the Individuals
<i>Haraam</i>	Forbidden
<i>Hijrah</i>	Immigration of the Prophet from Makkah to Medina
<i>Hima</i>	Grazing ground for public use
<i>Hodja</i>	So-called religious scholar
<i>Hubb-i Imani</i>	Love for the Muslims
<i>Hubb-i Insani</i>	Love for the whole mankind
<i>Hudud</i>	Plural of <i>Hadd</i>
<i>al-Hukumat al-Islamiyyah</i>	Islamic government
<i>Hurriyat</i>	Liberty

## I

<i>Ibadat</i>	Worship
<i>Ihya</i>	Revival
<i>Ijma'</i>	Consensus of the community
<i>Ijtihad al-Sagheer</i>	Lesser <i>Ijtihad</i>
<i>Ijtihad</i>	The power to interpret revealed word of God

<i>al-Ikhwan as-Safa</i>	The Brethren of Purity
<i>Ilm</i>	Knowledge
<i>Imam/Imams</i>	The prayer leader/leaders
<i>Imam-e Ghaib</i>	The Hidden <i>Imam</i>
<i>Inqilab</i>	Revolution
<i>Irada</i>	Will
<i>Ishtirak</i>	Sharing
<i>Islah</i>	Reform
<i>Israaf</i>	Waste
<i>Itihad-i Islamiyyah</i>	Unity of the Muslim world
<i>Itiqad</i>	Intellectual conviction

**J**

<i>Jahiliyyah</i>	Pre-Islamic ignorance
<i>Jaziyah</i>	Poll-tax
<i>Jihad</i>	Holy War

**K**

<i>Karamat</i>	Miracles
<i>Khalifat al-Rasul</i>	Vicegerent of the Holy Prophet
<i>Khamr</i>	Intoxicants
<i>Khandaq</i>	Ditch
<i>Kharaja</i>	To go out
<i>Kharji</i>	An outsider or a seceder
<i>Khatt-i-Gulkhana</i>	The Prescript of the Rose chamber
<i>Khawarij</i>	Plural of <i>Kharji</i>
<i>Khawatir</i>	Affections of mind
<i>Khulaf-i-Rashidun</i>	Pious Caliphs
<i>al-Kufr</i>	The land of infidels

**M**

<i>Mahr</i>	Compulsory gift to the wife
<i>Majlis</i>	National Assembly
<i>Makruh</i>	Reprehensible
<i>Mandub</i>	Recommended

<i>al-Mara al-Jididah</i>	The New Woman
<i>Marabouts</i>	From <i>murabit</i> which means tied; it was believed that the saints were tied to God.
<i>Marja-e taqlid</i>	Worthy of emulation
<i>Marji-e-taqlid</i>	The Source of Emulation
<i>Masaleha</i>	Public utility
<i>Maslehat</i>	Interest
<i>Mazahib</i>	Plural of <i>mazhab</i>
<i>Mazhab</i>	Religion/school of thought/Orthodox schools
<i>Milaya</i>	Which covered her from top to toe
<i>Millat</i>	Community
<i>Mubah</i>	Permissible
<i>Mujadid</i>	Muslim scholar
<i>Mujahid-e-Azam</i>	Supreme Consultant
<i>Mulla</i>	The priests
<i>Munsif</i>	A senior official
<i>Muqallid/Muqallidin</i>	The imitator/imitators
<i>Murid</i>	Followers
<b>N</b>	
<i>Nahda</i>	Renaissance
<i>Nashis</i>	Disobedience
<i>Naza</i>	To leap
<i>Nazism-e-Mustafa</i>	The political model of the Holy Prophet
<i>Neicheriyya</i>	The followers of nature
<i>Nizam-e Jadid</i>	New Order
<b>P</b>	
<i>Purdah</i>	Ban on free mixing of men and women
<b>Q</b>	
<i>Qadhi</i>	Judge
<i>Qama</i>	To rise
<i>Qazaf</i>	False accusations about sexual crimes



*Qiyas* Reasoning by analogy  
*Quad* Repose

**R**

*Raghubia* Inclination  
*Rasail* Epistles  
*Riba* Usury  
*Ruh al-Salibiyyah* The Crusading Spirit

**S**

*Salaf* Good predecessors of early Islam  
*Salafi* Puritan  
*Salafiyyah* From *salaf* meaning forerunners  
*Salat* Prayer  
*Saraqah* In Arabic means to grab a piece of property belonging to another person which is worth between three *dirhams* (25 cents) to ten *dirhams* (75 cents)  
  
*Shaheed* Martyr  
*al-Shaihab* The Meteor  
*Sheikhs* Traditional custodians of orthodox Islam  
*Shirk* Heresy  
*Shuhada* Plural of *Shaheed*  
*Sidq* Truth  
*Siyasah* Which literally meant, administrative government or administrative directive  
  
*Sufis* Mystics  
*Sunnah* Tradition or Custom  
*Suras* Chapters

**T**

*Ta'zir* Penalties  
*Tadamun al-Islami* Islamic solidarity  
*Tahrir al-Mara* Woman's liberation  
*Tajdid* Renovation

<i>Takhayyur</i>	Selection
<i>Talab al-Shahada</i>	Seeking martyrdom
<i>Talfiq</i>	Combination of the legal doctrines of all the four schools of Muslim jurisprudence
<i>Taqiyyah</i>	Dissimulation
<i>Taqlid</i>	Blind following/meticulous and abiding adherence to the past
<i>Taqlid-i Shakhsi</i>	Personal adherence
<i>Tariqah</i>	Path
<i>Turuq</i>	Plural of <i>Tariqah</i>
<b>U</b>	
<i>Ulema</i>	Religious scholars
<i>Ulul Amr</i>	The chief executive that is the ruler
<i>Ummat-al Wast</i>	The middle community
<i>Uqubat</i>	Penal
<i>Usul</i>	Islamic Jurisprudence
<b>V</b>	
<i>Vahdat va Azadi</i>	Unity and Freedom
<b>W</b>	
<i>Wahdat</i>	Unity
<i>Wahhabi</i>	Proclivitist
<i>Waqf</i>	Religious endowment
<i>Watan</i>	Country
<i>Watniyyat</i>	Nationalism
<i>Wudu</i>	Ablution
<b>Z</b>	
<i>Zakat</i>	Charity
<i>Zavyas</i>	Circles
<i>al-Zayyd Shari 'yyah</i>	The lawful dress

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