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UNIVERSIDADE NOVA DE LISBOA

Islamic reformism in India between 1857 and 1947:

The conception of state in Chiragh ‘Ali, Muhammad Iqbal and Sayyid Abu’l ‘Ala Mawdudi

Carimo Mohomed

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For Fátima

For Samir

For my parents

For Fulbai

For those who have to live in this world as foreigners:

Home is where you are heading

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ISLAMIC REFORMISM IN INDIA BETWEEN 1857 AND 1947:

THE CONCEPTION OF STATE IN CHIRAGH 'ALI, MUHAMMAD IQBAL AND SAYYID ABU'L 'ALA MAWDUDI

CARIMO MOHOMED

PALAVRAS-CHAVE:

Islão, Índia, Século XIX, Século XX, Estado, Chiragh 'Ali, Muhammad Iqbal, Mawdudi, Islamologia Aplicada

KEYWORDS:

Islam, India, 19th century, 20th century, State, Chiragh 'Ali, Muhammad Iqbal, Mawdudi, Applied Islamology

RESUMO:

Entre 1857, ano da Revolta dos Cipaios e consequente ocupação definitiva da Índia pelos Britânicos, causando o fim do poder político muçulmano, e 1947, data da sua independência e Partição em dois Estados, União Indiana e Paquistão, o sub-continente indiano sofreu grandes transformações.

Esta foi uma época rica em pensamento reformista islâmico, dando origem a um intenso debate que ultrapassou as suas fronteiras geográficas e antecipou questões posteriores que ainda hoje se colocam: condição das mulheres, papel da religião na política ou o fim do califado.

A importância do estudo do Islão em contexto indiano advém do facto de um terço dos muçulmanos existentes hoje em dia no Mundo viverem nessa região e do facto de, no período agora em estudo, o império britânico ter sido a entidade política com mais muçulmanos precisamente porque a Índia estava sob administração da Grã-Bretanha. Por outro lado, no ano de 2007, que assinalou precisamente os 60 anos da Independência da União Indiana e Paquistão, bem como os 150 anos da Revolta dos Cipaios, houve quem considerasse que os Britânicos deveriam ter restituído aos muçulmanos, em 1947, o poder que lhes tinha sido retirado em 1857.

Utilizando o método de *Islamologia Aplicada*, de Mohammed Arkoun, e a contextualização histórica de conceitos, proposta por Quentin Skinner, esta investigação aborda três intelectuais desse período, Chiragh 'Ali, Muhammad Iqbal e Sayyid Abu'l 'Ala Mawdudi, bem como as suas obras consideradas mais importantes.

Assim, através de estudos de caso e comparação qualitativa, nesta investigação analisamos, descrevemos e tentamos compreender os movimentos de reforma islâmica que surgiram na Índia entre os momentos finais da dinastia mogol (1857-1858) e os momentos finais da presença britânica (1947), mais em particular os diversos modelos políticos e de Estado oferecidos por essas três figuras, comparando-os entre si a vários níveis: a biografia, a obra, o pensamento, a herança e discípulos, bem como o legado deixado e debate que originaram em torno de questões como o papel da religião na política e/ou o modelo de Estado a ser seguido no mundo islâmico.

Os diferentes modelos políticos oferecidos por cada um dos autores, e as concepções que tinham sobre a relação entre religião e política, reflectem uma diversidade de pensamento, frequentemente contraditória entre si.

A tese conclui que o Islão, enquanto objecto de estudo das, e nas, ciências sociais, tem que ser repensado e redefinido, bem como os conceitos de *Shari'a*, Religião, Política, Estado, Igreja, Secularismo, Modernidade, pois cada um deles assume diferentes formas em diferentes contextos temporais e geográficos, incluindo naquilo que é chamado de Ocidente, e cada um deles interage com os outros numa multiplicidade de formas, não havendo modelos únicos ou essencialistas.

ABSTRACT:
Between 1857, year of the Sepoy revolt and subsequent occupation of India by the British, which caused the end of Muslim political supremacy, and 1947, year of its Independence and Partition into two states, India and Pakistan, the Indian sub-continent went through great transformations.

It was a very rich period of Islamic reformist thought, originating an intense debate which surpassed the geographical boundaries of India and anticipated future issues which are still being discussed today: the position of women, the role of religion in politics or the end of the caliphate.

The importance of studying Islam in a South-Asian context derives from the fact that one third of all Muslims in the world live in this region, and from the fact that in the period that is now analysed the British Empire was the political entity with the largest Muslim population, due to the fact that India was under Great-Britain's administration. On the other hand, in 2007, which was the year that marked the 60th anniversary of Independence for India and Pakistan, and the 150th anniversary of the Sepoy Revolt, there were people asserting that the British should have given back to Muslims, in 1947, the power taken in 1857.

Using Mohammed Arkoun's *Applied Islamology*, and historical contextualization, a method proposed by Quentin Skinner, this research focuses on three intellectuals of

that period, Chiragh ‘Ali, Muhammad Iqbal and Sayyid Abu’l ‘Ala Mawdudi, as well as on their most important works.

This research, through case-studies and qualitative comparison, analyses, describes and tries to assess Islamic reform movements which sprang up in India between the final moments of the Mughal dynasty (1857-1858) and the final moments of the British presence (1947), especially the different political and State models offered by those three figures, comparing them at different levels: biographies, works, thought, heritage and disciples, as well as the legacy bequeathed and the debate that they originated around issues such as the role of religion in politics and/or the model of State to be followed in the Islamic world.

The different political models offered by each one of the authors, and their conceptions about the relations between religion and politics, express a diversity of thought which is frequently at odds with one another.

This thesis concludes that Islam, as an object of study of, and in, the social sciences, has to be rethought and redefined, as well as concepts such as *Shari’a*, Religion, Politics, State, Church, Secularism, Modernity. Each one of them assumes different forms in different temporal and geographical contexts, including what is usually called the West, and each one of them interacts with the others in a multiplicity of ways, with no single or essentialist model resulting from that interaction.

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INTRODUCTION

Opening remarks

When this endeavour was first started, in 2007, two Muslim-majority countries, Afghanistan and Iraq, had been invaded in 2001 and 2003 respectively. One of the justifications used for the ensuing wars had been the events of 11th September, 2001, which were among the most central defining moments in the representations of Islam and Muslim societies in recent times. However, and as Benjamin Soares and Filippo Osella show[1], the stereotypes about Islam and Muslims have actually been remarkably resilient. The figure of the "mad mullah" who radicalized the "uneducated, naïve, but largely benign Muslim masses" in 19th century British accounts of Muslims' anti-colonial politics, and 20th century French accounts of allegedly dangerous "Sufis" and/or "Wahhabis", who threatened to lead ordinary Muslims in their West African colonies astray, are the genealogical antecedents of contemporary characterizations of "radical" Islam and Islamism in much Western media, public culture and even the academic world. Meanwhile, images of (veiled) Muslim women have acquired iconic status in the western imaginary as representations of the oppressed and subordinated Other *par excellence*.

In K. Humayun Ansari's assessment[2] of the ways in which British historians analysed, imagined and depicted the "Orient" during the period starting in the late 18th century until early 20th century, they were often intertwined with growing British power and the parallel growth of European control over Muslim peoples, realities which began to shape historical accounts. Islam constituted a distinct type, a backward one, in terms of civilisation, cultural essence and core values. Imperial expansion, born out of human enlightenment and effort, became a dominant vision, supported by a growing evangelical public sentiment, which viewed the British Empire as the work of Providence and contributing to the British assumption of superiority over the East and to the justification of colonial rule. However, this

[1] SOARES, Benjamin and OSELLA, Filippo. 2009. "Islam, politics, anthtropology" in ***Journal of the Royal Anthropological Institute*** (N.S.). London: Royal Anthropological Society, pp. S1-S2.

[2] ANSARI, K. Humayun. 2011. "The Muslim World in British Historical Imaginations: 'Re-thinking *Orientalism*'?" in ***British Journal of Middle Eastern Studies***, V. 38, n. 1. Oxfordshire: Routledge, pp. 73-93.

attitude was in contradiction with the "noble purposes" of British rule, which led John Robert Seeley (1834-1895) to ask, in his ***Expansion of England***, first published in 1883, how could Britain reconcile the despotism of the Indian Empire with the democracy enjoyed by the colonies of white settlers and British people themselves: "How can the same nation pursue two lines of policy so radically different without bewilderment, be despotic in Asia and democratic in Australia, be in the East at once the greatest Mussulman Power in the world and the guardian of the property of thousands of idol-temples, and at the same time in the West be the foremost champion of free thought and spiritual religion, stand out as a great military Imperialism to resist the march of Russia in Central Asia at the same time that it fills Queensland and Manitoba with free settlers?"[3]

The important thing was to do Indians, Muslims and other Orientals, good in spite of themselves, a hegemonic assumption which the majority of Orientalists agreed with.

Studying Islam

In an interview given in 1976 to ***Diacritics***, Edward Said (1935-2003), referring to Middle East studies, said that most Middle East experts were social scientists whose expertise was based on a handful of clichés about Arab society, Islam and the like, handed down like tatters, from the 19th century Orientalists, and that a whole new vocabulary of terms was bandied about: modernization, elites, development, stability were talked about as possessing some sort of universal validity, but that in fact they formed a rhetorical smokescreen hiding ignorance on the subject. For Edward Said, the new Orientalist jargon, *i.e.*, of the 20th century, was hermetic discourse, which could not prepare one for what was happening in Lebanon, in the Israeli-occupied Arab territories, or in the everyday lives of the Middle Eastern

[3] SEELEY, John Robert. 1911. ***The expansion of England: two courses of lectures***. London: MacMillan and Co., p. 205.

peoples.[4] Two years later, he would develop these and other themes in his seminal book ***Orientalism***.[5]

To illustrate the "state of the art" regarding Middle Eastern and/or Islamic Studies in the United States, Said would quote what Morroe Berger, President of the Middle East Studies Association (MESA) at the time, wrote in 1967 in the *MESA Bulletin*. For Berger, the modern Middle East and North Africa was not a centre of great cultural achievement, nor were they likely to become one in the near future. Therefore, the study of the region and their languages did not constitute its own reward as far as modern culture was concerned, neither was the region a centre of great political power, nor did it have the potential to become one. For him, the Middle East (less so North Africa) had been receding in immediate political importance to the United States, even in "headline" or "nuisance" value, relative to Africa, Latin America and the Far East. The contemporary Middle East seemed to be lacking the desirable traits attracting scholarly attention, which did not diminish the validity and intellectual value of studying the area nor did it affect the quality of the work scholars did on it. However, it did put limits, of which "we should be aware, on the field's capacity for growth in the numbers who study and teach."[6]

As events in the past forty years have shown, the modern Middle East and North Africa never stopped being a focus of attention for political, economic and social reasons. And, of course, the Middle East and North Africa are now, more than ever, as current events show, of extreme immediate political importance not only to the United States but also to Europe. After the Iranian Revolution in the late 1970s and the widespread recognition of the limitations of the secularization thesis, many questioned the compatibility of Islam and Muslims with modernity, reinforcing the old "Orientalist" stereotypes by which the Middle East and/or Islamic world is

[4] SAID, Edward W. 2005. ***Power, Politics and Culture: interviews with Edward W. Said***. London: Bloomsbury, p. 34.

[5] SAID, Edward W. 1979. ***Orientalism***. New York: Vintage. Besides being the title of his book, *Orientalism* was also the generic term that Edward Said employed to describe the Western view on the Orient (the Middle East and/or Islamic world), and was also the discipline by which that region and/or concept was, and is, approached systematically, as a topic of learning, discovery, and practice. It should be noticed that his book was published at the time the Revolution in Iran was taking place.

[6] BERGER, Morroe. 1967. "Middle Eastern and North African Studies: developments and needs" in ***MESA Bulletin***, V. 1, n. 2 (November). Tucson: Middle East Studies Association, p. 16 cited in SAID, 1979: p. 288.

viewed. Due to the ubiquity of different *media*, "Islam", "Muslims" and "Arabs" have been more and more under the spotlights, and a series of questions arose, especially those related with politics: Is Islam against modernisation? Is Islam incompatible with Democracy?[7] What are the consequences of an Islamic government for pluralism and for the rights of minorities and women? Should the West fear a transnational Islamic threat or a clash of civilisations? What is the relation between State and Religion in Islam?[8] However, these questions were not new, and echoed the late 19th century, early 20th century ideas about "Islam" and the "Middle East".[9] In a countermove, others tried to prove that Islam could indeed be "modern" and compatible with democracy. Since 11th September, 2001, there has been much "culture talk" about Muslims and their politics wherever they happen to live in the world. So, it is not surprising to watch and hear many commentators' essentializing impulses when the object of study is Islam or Muslims.

However, while academic discourse and Western media alike have produced reified views of Islam and Muslims in abundance, such views have also emerged from within Islam itself, via Muslims' interpretations and representations of their own religion as unitary, timeless, and unchanging. Representations are never simply reflections on or descriptions of reality, of social and religious processes, necessarily already "out there" in the world; they have generative power. In reshaping conceptual categories, they are oriented towards producing something which is given concrete ground, thereby intensifying a reality already alluded to in discourse itself. It is imperative to pay attention to the genealogies of discourses (academic, state, "official", global, as well as of those in this research), which might become authoritative and normative, and through which politics in Muslim societies is comprehended, experienced, legitimated, or contested. It must also be remembered that seemingly authoritative discourses and disciplinary practices are neither

[7] FULLER, Graham E. 2003. ***The future of political Islam***. New York: Palgrave Macmillan, pp. 121-2.

[8] ESPOSITO, John L. 1997. "Claiming the Center: Political Islam in Transition" in ***Harvard International Review*** (Spring). Cambridge, Massachusetts: Harvard International Relations Council; FULLER, Graham E. 2003; LAPIDUS, Ira M. 1975. "The Separation of State and Religion in the Development of Early Islamic Society" in ***International Journal of Middle East Studies***, V. 6, n. 4 (Oct.). Cambridge: Cambridge University Press, pp. 363-385.

[9] For further details see VATIN, Jean-Claude. 1980. "Introduction à «Islam, Religion et politique»" in ***Revue de l'Occident musulman et de la Méditerranée***, V. 29, n. 1. Aix-en-Provence: MMSH-IREMAM, pp. III-XIV.

totalizing, nor are their outcomes necessarily easily predictable. And it is also important to heed the warning of those who have argued against automatically privileging religion as the principal – or perhaps unique – foundation for Muslim identity and political practice.[10]

The explosion in the research and study of the region, and its languages, in the past decades has been remarkable. The number of scholars, not only "Western" but also from the Islamic World, dealing with Islam, studying it and teaching about it has grown greatly. A "Muslim" scholar is now no longer considered just a "native informant", to use Said's expression, but someone who is, first and foremost, doing research from a vantage point, because of his or her background and personal experience, and first-hand acquaintance with the language, customs and other cultural and mental traits. Fields like Linguistics, Literature, History, Politics, Economics, Anthropology, Sociology, Geography, and Religion (of course), but also Society, Gender Studies, Media, Sexuality, and many others, are now mainstream.

However (and Said drew our attention to this), one aspect of the electronic, postmodern world is that there has been a reinforcement of the stereotypes by which the Middle East and/or Islamic world is viewed. Television, cinema, and all the media's resources have forced information into more and more standardized moulds, and that "standardization and cultural stereotyping have intensified the hold of the 19th century academic and imaginative demonology of 'the mysterious Orient'".[11]

It is generally considered that the expression "Middle East" was coined in 1902 by Alfred Thayer Mahan (1840-1914), in an attempt to delineate a region from the Mediterranean to India.[12] Since then, "Middle East" has become an expression to designate everything related with "Islam" and/or "Muslims", and in recent years a linguistic and political development occurred when the term "Greater Middle East" was used to designate the region from Morocco to Afghanistan and, in some cases, to South-East Asia. Some scholars still consider the existence of the Middle East and/or

[10] SOARES and OSELLA, 2009: S2.

[11] SAID, 1979: p. 27.

[12] MAHAN, Alfred Thayer. 1902. "The Persian Gulf in International Affairs" in ***National Review*** (September), pp. 27-45 cited in HALLIDAY, Fred. 2011. ***Shocked and Awed: How the War on Terror and Jihad have changed the English Language***. London: I.B. Tauris, p. 268.

Islamic world as a coherent, single object of reality that can be grasped, and continue to analyse it through their framework, trying to fit external reality into it. According to Said, "the object of such knowledge is inherently vulnerable to scrutiny; this object is a 'fact' which, if it develops, changes, or otherwise transforms itself in the way that civilizations frequently do, nevertheless is fundamentally, even ontologically stable. To have such knowledge of such a thing is to dominate it, to have authority over it. And authority here means for 'us' [the West] to deny autonomy to 'it' [the Middle East and/or the Islamic world] since we know it and it exists, in a sense, *as* we know it."[13]

So, it comes as no surprise that some intellectuals, scholars, experts, pundits, journalists and opinion-makers talk about Islam and the Islamic world (with more than 1.5 billion people, dozens of different societies and languages, and spread all over the world) as if it were a simple object about which one could make grand generalisations on its history of fourteen-plus centuries, and commenting on the compatibility between Islam and Democracy, Islam and Human Rights, and Islam and Progress. Although knowledgeable scholars are increasingly appearing on mass media to give their opinions on what is happening in different places like Lebanon, Israel/Palestine, Tunisia, Libya, Syria, or Egypt, there are, however, some aspects related with the scholarly work done on those regions that still has traces of 19th and 20th centuries' Orientalism, particularly the concepts of Middle East and Islamic Studies themselves.

As Said put it, "because we have become accustomed to think of a contemporary expert on some branch of the Orient, or some aspect of its life, as a specialist in 'area studies', we have lost a vivid sense of how until around World War II, the Orientalist was considered to be a generalist (with a great deal of specific knowledge, of course) who had highly developed skills for making summational statements. By summational statements I mean that in formulating a relatively uncomplicated idea, say, about Arabic grammar or Indian religion, the Orientalist would be understood (and would understand himself) as also making a statement about the Orient as a whole, thereby summing it up. Thus every discrete study of one bit of Oriental material would also confirm in a summary way the profound

[13] SAID, 1979: p. 32.

Orientality of the material. And since it was commonly believed that the whole Orient hung together in some profoundly organic way, it made perfectly good hermeneutical sense for the Orientalist scholar to regard the material evidence he dealt with as ultimately leading to a better understanding of such things as the Oriental character, mind, ethos, or world-spirit."[14]

For a social scientist to be an expert in "Islamic Studies" is to study "Islam" as an object of social science and to know "Islam" as a fact. For him or her "there are still such things as *an* Islamic society, *an* Arab mind, *an* Oriental psyche". Even those who specialize in the modern Islamic world anachronistically use texts like the ***Qur'an*** to read into every facet of contemporary Egyptian or Algerian society. "Islam, or a 7th century ideal of it constituted by the Orientalist, is assumed to possess the unity that eludes the more recent and important influences of colonialism, imperialism, and even ordinary politics."[15] Using history, social anthropology, political science, economy and geopolitics as disciplinary backgrounds, different authors such as Gilles Kepel[16], Malise Ruthven[17], and Bernard Lewis[18], among others, still use "Orientalist" concepts in their attempts to analyse reality according to their own preconceptions.

One of Said's worries, regarding Orientalism, was the danger and temptation of employing its formidable structure of cultural domination by formerly colonised peoples upon themselves or upon others.[19] For example, Fareed Zakaria[20], Bassam Tibi[21] or Abdelwahab Meddeb talk about "Islam" as if it had a geographical existence,

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[14] SAID, 1979: p. 255.

[15] SAID, 1979: pp. 301.

[16] KEPEL, Gilles. 2000. ***Jihad: expansion et déclin de l'islamisme***. Paris: Gallimard. [Spanish translation used ***La yihad: expansión y declive del islamismo***. Barcelona: Círculo de Lectores, 2001; English translation, ***Jihad: the trail of Political Islam***. London: I.B. Tauris, 2002].

[17] RUTHVEN, Malise. 2002. "Radical Islam's failure" in ***Prospect*** 76 (July), pp. 30-35.

[18] LEWIS, Bernard. 2001. ***What went wrong? Western impact and Middle Eastern response***. Oxford: Oxford University Press.

[19] SAID, 1979: p. 25.

[20] ZAKARIA, Fareed. 2009. "Learning to live with Radical Islam" in ***Newsweek,*** March 09, pp. 12-19.

[21] TIBI, Bassam. 1998. ***The Challenge of Fundamentalism: Political Islam and the New World***

or a political and theological structural unity, similar to that of the Roman Catholic Church. After writing ***The malady of Islam***, where all the pessimistic clichés about Islam's decadence and the dangers of Islamism were superficially analysed, Abdelwahab Meddeb seems to have been taken aback by recent events in the Arab world, particularly in his native country Tunisia, which led him to write ***Printemps de Tunis: la metamorphose de l'Histoire*** [***Tunisia's Springtime: History's metamorphosis***], now talking optimistically about other commonplaces like Universal values, non-violence, Democracy, the bankruptcy of "the clash of civilizations" and the "end of History" theories, and *laïcité*. The fact remains that none of his books helps us to understand the what, how, and why of such complex events.[22]

Anshuman A. Mondal, in an article published in 2003,[23] wrote that "[u]nderlying the difficulty that most Islamic states have in accommodating political liberalism is Islam itself. Islam's 19th century reformers could not reconcile their faith with western modernity." Not once did Mondal mention the impact of colonialism and the brutality with which, in some cases, colonial powers denied the "natives" the "sweet fruits" of Democracy and Liberalism, and how that attitude fuelled the feeling of rejection of everything coming from the West. Various discourses on Islam's need of reformation are also put forward, something debated inside and outside of the Islamic world[24], an argument echoing 19th century Orientalism and sociological theories on the absence of Reformation in Islam and the untiable knot between Religion and Politics, ignoring the centuries long tradition of *islah* (reform) in Islam and the fact that many Western countries used (and still use) religion to advance political goals.

Disorder. Berkeley and Los Angeles: University of California Press.

[22] MEDDEB, Abdelwahab. 2002. ***La maladie de l'Islam***. Paris: Seuil. [Portuguese translation used ***A doença do Islão***. Lisboa: Relógio d'Água, 2005; there is also an English translation, ***The malady of Islam***. New York: Basic Books, 2003]; and ***Printemps de Tunis: la metamorphose de l'Histoire.*** Paris: Albin Michel, 2011.

[23] MONDAL, Anshuman A. 2003. "Liberal Islam?" in ***Prospect*** 82 (January), pp. 28-33.

[24] BEININ, Joel and STORK, Joe (eds.). 1997. ***Political Islam: essays from Middle East Report***. Berkeley/LosAngeles: University of California Press, pp. 3-4; BENZINE, Rachid. 2004. ***Les nouveaux penseurs de l'islam***. Paris: Albin Michel; MEDDEB, 2002; MOADDEL, Mansoor and TALATTOF, Kamran (eds.). 2002. ***Modernist and fundamentalist debates in Islam: a reader***. New York: Palgrave Macmillan.

According to Anshuman A. Mondal, "Western critics often claim that the failure of Islam to modernise is due to the fact it has had no Reformation. The Reformation, it is said, loosened the intellectual shackles of medieval Christendom and led to the development of capitalism and the emergence of the rational individual as the basic constituent of society. The development of Protestantism is also seen as instrumental in the secularisation of European society. Together, these developments crystallised into political institutions that were constitutional and democratic."[25] Timur Kuran, using this same line of reasoning, argues that what slowed the economic development of the Middle East was not colonialism or geography, but Islamic legal institutions from the 10th century onwards. By the 19th century, modern economic institutions began to be transplanted to the Middle East, but its economy has not caught up. Kuran does not explain what happened between the 11th and 18th centuries, and does not mention the fact that that "transplantation" was done using imperial violence and colonial brutality.[26]

Max Weber (1864-1920) and Benjamin Kidd's (1858-1916) theories on Protestantism, Capitalism, and forms of Government, developing Karl Marx's theory of modes of production and Montesquieu's stereotypes on Eastern despotism, were elaborated in the late 19th, early 20th century, a period of economical, social, political, military, institutional, scientific and cultural strength of some European countries, especially the "Protestant" ones, like Great Britain and Germany, or the French Third Republic, which was under Positivism momentum and applying *laïcité*. With their theories, Weber and Kidd (who was openly racist), were justifying the landscape of their own times with something they thought had happened with the Reformation, projecting on the past their historical situation, and also trying to explain the "backwardness" of Roman Catholic countries.

The Reformation, which was a historical process of West European Christianity, in fact did not imply the loosening of the intellectual shackles of medieval Christendom. That movement was aimed at the abuses of the Catholic Church in Rome, and it produced a period of great political and religious violence

[25] MONDAL, 2003: p.28.

[26] KURAN, Timur. 2010. ***The long divergence: how Islamic law held back the Middle East***. Princeton: Princeton University Press.

which only ended in 1648, with the Peace of Westphalia, putting an end to the Thirty Years' War, and, even after that, religious hostilities continued with the revocation of the Edict of Nantes in 1685. In many Reformed countries it was unthinkable to be a subject of the Crown or a Prince without adhering to the religion of the ruler (*cujus regio, ejus religio*), and many Protestant countries still have State religions today (Great Britain, Denmark, Norway, Finland, or Sweden until 2000).

According to the conventional wisdom, there is no separation between religion and the state in Islam. Ernest Gellner thus asserted that Islam "was the state from the very start", and it was this theological character of Islam which rendered it a "dramatic, conspicuous exception" to the otherwise universal process of secularization.[27] Most readings of "Islamic fundamentalism" aver that since Islam fuses religion and politics, the idea of the state flows from the inner logic of Islam. Across the disciplinary divides, it is a truism to assert that Islam, in contrast to other religions, does not make a distinction between religion and the state, or *sacerdotium* and *regnum*. The idea of an Islamic state, as the argument goes, flows from the theological character of Islam itself. This line of argument, also shared by influential Islamist ideologues such as Abul 'Ala Mawdudi (1903-1979) and Egypt's Sayyid Qutb (1906-1966), and which Irfan Ahmad calls the "fusion framework" [28], still informs, in different ways, most writings on Islam, especially "Islamic fundamentalism".[29]

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[27] GELLNER, Ernest. 1992. ***Postmodernism, reason and religion***. London: Routledge, pp. 5-9.

[28] AHMAD, Irfan. 2009. "Genealogy of the Islamic State: reflections on Maududi's political thought and Islamism" in ***Journal of the Royal Anthropological Institute*** (N.S.), pp. S145-S162.

[29] Examples of this position are BRUCE, Steve. 2000. ***Fundamentalism***. Cambridge: Polity; HUNTINGTON, Samuel. 1996. ***The clash of civilizations and the remaking of world order***. New York: Simon & Schuster; ISMAEL, Tareq Y. and ISMAEL, Jacqueline S. 1985. ***Government and politics in Islam***. London: Pinter Publishers; KRISHNA, Gopal. 1972. "Piety and Politics in Indian Islam" in ***Contributions to Indian Sociology***, V. 6, n. 1 (Jan.). New Delhi: Sage Publications, pp. 142-171; LAMBTON, Ann K. S. 1988. "Introduction" in FERDINAND, Klaus and MOZAFFARI, Mehdi (eds.). ***Islam: State and Society***. Oxon: RoutledgeCurzon, pp. 1-10; LAWRENCE, Bruce B. 1995. ***Defenders of god: the fundamentalist revolt against the modern age***. Columbia: University of South Carolina Press; LEWIS, Bernard. 1991. ***The political language of Islam***. Chicago: University of Chicago Press; LEWIS, Bernard. 1996. "A historical view: Islam and liberal democracy" in ***Journal of Democracy***, V. 7, n. 2 (Apr.). Baltimore: The Johns Hopkins University Press, pp. 52-63; MADAN, T.N. 2010. ***Modern myths, locked minds: secularism and fundamentalism in India***. New York: Oxford University Press; VATIKIOTIS, Panayiotis J. 1987. ***Islam and the state***. London and New York: Routledge; VON GRUNEBAUM, Gustave E. 1953. ***Medieval Islam: a study in cultural orientation***. Chicago: University Press; WATT, William Montgomery. 1988. ***Islamic fundamentalism***

However, if that is the case, if Islam does not separate religion from politics, how do we explain the fact that almost two-thirds of the member states of the Organisation of the Islamic Cooperation (formerly Conference) are states which consider themselves as secular and/or with a separation between religion and politics?[30] Or how do we explain the fact that for different Muslim thinkers, such as the Indians Sayyid Ahmad Khan (1817-1898), Chiragh 'Ali (1844-1895) or Shibli Nu'mani (1857-1914), Islam indeed does make a separation between religion and the state, and theologically it did not entail an Islamic state, a line of thought which was further pursued by the Egyptian 'Ali 'Abd al-Raziq (1888–1966) who presented this argument in the wake of the abolition of the Caliphate, in 1924?

The conclusions of the above frameworks are radically different, even antagonistic. However, the methods employed to arrive at their respective conclusions are theological, for the method employed is a method which accords centrality to canonical religious texts, particularly the ***Qur'an*** and *hadith* (the Prophet Muhammad's statements and actions), to derive a given conclusion. Central to this approach is a philological way of deciphering meanings of key words in the texts, especially the concept of *Shari'a*, which is thought to be something applied from Morocco to Indonesia. Usually translated as *Islamic law*, *Shari'a* means, literally in Arabic, *path*, *way*, and evokes, in abstract terms, the concept of Justice, Rule of Law.

A growing *corpus* of literature in contemporary social sciences treats the contiguous landmass stretching from the Maghreb through southern Eurasia to China as a cogent unit of analysis. Since the "Islamic World" is an expression to designate the total of Muslim-majority countries and since Muslims are not restricted to the "Middle East", which is, according to Orientalist clichés, the natural environment of Muslims, a new expression, the "Greater Middle East", was coined to designate the region from Morocco to Afghanistan and, in some cases, to South-East Asia.

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and modernity. London: Routledge; and WEINER, Myron. 1987. "Political change: Asia, Africa and the Middle East" in WEINER, Myron and HUNTINGTON, Samuel (eds.). ***Understanding political development***. Boston: Little Brown, pp. 33-64.

[30] For further details, see the official website of the Organisation, http://www.oic-oci.org/, and the legal frameworks of each member state.

In 2007, a book on the "Greater Middle East" (GME) was published,[31] with the aim of presenting a comparative study of history, state–society relations, globalization, Islamism, nationalism, democracy, regionalism, revolution, war, energy, conflict, etc., of that region, defined as a sum total of the Middle East and North Africa, Afghanistan and Pakistan, the Central Asian republics and the Caucasus. The arguments used for that definition, GME, were three: 1) today's Greater Middle East countries were part of the three great Islamic empires of Mughal India, Safavid Persia and the Ottomans; 2) as a result of pressures from colonial modernity, they experienced "sequential industrialization", which perennially distorted state-society relations; and, finally, 3) this part of the world constitutes a power vacuum, where big powers compete with each other for fossil fuels and other resources.[32]

In 2010 ***An Atlas of Middle Eastern Affairs*** was published.[33] On section D, "States of the Middle East", there is a list of countries which, according to the authors, form part of that region, with its western and eastern geographical extremities, Morocco and Afghanistan respectively. These two countries have different languages, different religious traditions, different political histories, different economic conditions, and, nonetheless, both are considered Middle Eastern. This epistemological instrument mimics the late 19th century ideas about the Orient. Gertrude Bell argued that it was due to the success of the British government in Egypt, as well as in the Persian Gulf and on the Indian north-west frontier that the East could hang together, and that if the British mission had been turned back from the gates of Kabul, "the English tourist would be frowned upon in the streets of Damascus."[34]

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[31] AMINEH, M. Parvizi (ed.). 2007. ***The Greater Middle East in global politics: social science perspectives on the changing geography of the world politics***. Leiden: Brill.

[32] For a review on this book see NOURZHANOV, Kirill. 2009. "The Greater Middle East in global politics: social science perspectives on the changing geography of the world politics" in ***Central Asian Survey***, V. 28, n. 1. Oxfordshire: Taylor and Francis, pp. 79-80.

[33] ANDERSON, Ewan W. and ANDERSON, Liam D. 2010. ***An Atlas of Middle Eastern Affairs***. London/New York: Routledge.

[34] BELL, Gertrude. 1958. ***From her personal papers, 1889-1914***. London: Ernest Benn, cited in SAID, 1979: p. 229.

The "Greater Middle East" is thus treated as a concept with actual, real existence as if there was some kind of political unity from one geographical extremity to the other, or as if by knowing, say, Tajik history one could understand events in Algeria, or by being an "expert" on Iranian history one could grasp the situation in Egypt. During the events leading to Mubarak's resignation in 2011, it was common to ask if there was a risk of Egypt becoming like Iran, a "theocracy" with mullahs controlling the government and the State (it will not be discussed here if Iran really is a "theocracy" or if the mullahs, as a single body, really control the State and the government). It is difficult to understand this line of reasoning, since the two countries have different languages (one speaks an Egyptian dialect of Arabic, and the other speaks Persian), different traditions (one is Sunni and the other is Shi'a), different political histories (one was part of the Ottoman Empire and, then, under British control, the other remained more or less independent), and, finally, the *'ulama* (plural of *'alim*, scholar in Islamic Sciences) were never as strong in Egypt as the mullahs are in Iran.

One of the objectives of this research is to question the validity of the theological approach to the understanding of the dynamics of politics and religion in Islam. The relation between religion and state formation has not been fully explored in the social sciences, due to the fact that, generally, most theorists have assumed that in modern times economic changes have led, and will lead, to the privatization of faith and secularization[35], and, as a result, religion will not have an impact on state formation in a meaningful fashion and will most likely cease to command popular allegiance.[36] However, a common complaint from political scientists involved in the study of religion is that religious issues have been largely overlooked by political science. Steven Kettel shows that political science publications involving religious topics have been significantly fewer than those engaging with subjects typically regarded as being more central to the discipline, and where they have engaged with

[35] CASANOVA, José. 1994. ***Public Religions in the Modern World***. Chicago and London: The University of Chicago Press, pp. 11–39.

[36] TURNER, Bryan S. 1988. "Religion and State-Formation: A Commentary on Recent Debates" in ***Journal of Historical Sociology***, V. 1, n. 3 (September). West Sussex: John Wiley and Sons, pp. 322–33.

religious issues, these articles have also focused on a limited number of subject areas and been concentrated in specific disciplinary subfields.[37]

Studying Political Islam, or Islamism

Several authors have expressed the view that, in most cases, what is called Islamic resurgence or revivalism is associated with Islamic militantism or fundamentalism, and that political movements are many times confused with a religious affirmation.[38] Over the last few decades, Islam has become a central point of reference for a wide range of political activities, arguments and opposition movements. The term "political Islam" has been adopted by many scholars in order to identify this seemingly unprecedented irruption of Islamic religion into the secular domain of politics and thus to distinguish these practices from the forms of personal piety, belief, and ritual conventionally subsumed in Western scholarship under the unmarked category "Islam". The claim that contemporary Muslim activists are putting Islam to use for political purposes seems, at least in some instances, to be warranted, since although parties that base their appeal on their Islamic credentials appear to exemplify this instrumental relation to religion, a problem remains: in what way does the distinction between the political and nonpolitical domains of social life hold today?

There have been tremendous, innumerable websites, voluminous publications and many projects on Muslim fundamentalists and Islamic fundamentalism, and controversial and disputable issues regarding the terms "fundamentalist" and "fundamentalism" when used in relation with Islam or Muslim. However, for John L. Esposito, "the term *Islamic fundamentalism*, while commonly used, is regarded by many as misleading. The term *fundamentalism* is laden with Christian presuppositions

[37] KETTEL, Steven. 2012. "Has Political Science ignored Religion?" in ***PS: Political Science and Politics***, V. 45, n. 1 (January). Cambridge: Cambridge University Press, pp. 93-100.

[38] ESPOSITO, John L. (ed.). 1983. ***Voices of resurgent Islam***. New York/Oxford: Oxford University Press, p. 3; NASR, Seyyed Vali Reza. 1994. ***The Vanguard of the Islamic Revolution: The Jama'at Islami of Pakistan***. Berkeley and Los Angeles: University of California Press, p. 81; VOLL, John Obert. 1994. ***Islam: continuity and change in the modern world***. New York: Syracuse University Press (Contemporary Issues in the Middle East), pp. 3-5.

and Western stereotypes, and it implies a monolithic threat." Hence, he suggested alternative, more useful terms like "*Islamic revivalism* and *Islamic activism*, which are less value-laden and have roots within a tradition of political reform and social activism."[39]

Macksood Aftab had already complained about the terms "fundamentalists" and "fundamentalism" used for Muslims because both terms have been deeply rooted in the western Christian tradition: "the term Fundamentalist is actually derived from a series of essays published from 1910 to 1915 under the title ***The Fundamentals*** written by British evangelists. The purpose of this twelve-volume collection was to determine which churches, according to the authors, held up to genuine Christian doctrine and the ones that did not. Nevertheless the term Fundamentalist, in the Christian world, is synonymous with the 'Bible Thumpers' and the tele-evangelists. To apply the same terminology to Muslims is neither fair nor valid…. Therefore the media should stop using the word Fundamentalist to describe any and all Islamic organizations, or be more careful in its usage."[40]

Almost a decade earlier than Esposito and Aftab, William Montgomery Watt had commented on the term "fundamentalist" used for Islam or Muslim since it was more appropriate and applicable to Christianity. Watt realized that "although it is inexact" to use the term "fundamentalist" for Muslims, the term is retained in the title of his book because it is "convenient" and "popular journalistic usage". Watt acknowledged and stressed that the term "fundamentalist" was "primarily an Anglo-Saxon Protestant term, especially applied to those who hold that the Bible must be accepted and interpreted literally. The nearest French equivalent is *integrisme*, which refers to a similar but by no means identical tendency within Roman Catholicism. In Islam, Sunnite fundamentalists accept the ***Qur'an*** literally, though in some cases with qualifications, but they have also other distinctive features. The Shi'ites of Iran, who in a very general sense are fundamentalists [Watt does not explain why or how], are not committed to a literal interpretation of the ***Qur'an***."

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[39] ESPOSITO, John L. 1996. "Islamic Fundamentalism" in ***Encyclopaedia Britannica***. Available at http://www.ag-afghanistan.de/funda.htm, last accessed 21/02/2012.

[40] AFTAB, Macksood. 1995. "What Does Fundamentalism Really Mean?" in ***The Islamic Herald*** (April). Available at http://www.themodernreligion.com/terror/deffundy.html, last accessed 21/02/2012.

Watt did not use the literal interpretation of the ***Qur'an*** as the basis to differentiate between Muslim fundamentalists and non-fundamentalist Muslims or between Islamic fundamentalism and non-fundamentalist Islam although the literal interpretation of the ***Bible*** was the basis for differentiating between Christian fundamentalists and non-fundamentalist Christians. Watt preferred to classify Muslim fundamentalists, conservatives and traditionalists in one category and Muslim liberals in another category. The two categories of Muslims were different because the fundamentalists, conservatives and traditionalists were "those Muslims who fully accept the traditional world-view and want to maintain it intact" while the liberals are those Muslims who see that the traditional world-view "needs to be corrected in some respects".[41]

"Islamism", "political Islam", "Islamic activism", and "Islamic fundamentalism" are perhaps the more popular terms of reference; all of them are problematic, not least because all represent Western attempts to succinctly characterize a complex phenomenon for which there is no single agreed-upon term in the Arabic language. So, many decide to use "Islamism" due to its more generalized connotations and its current widespread usage in the public arena.[42]

Relations between states and institutions, and religious communities, have been for more than a century a central concern in the study of what is called the Middle East and Islamic societies, with the notion that Islam does not possess an ecclesiastic institution and that it covers all fields, including Law and State, and that this and the religious are one and the same thing, and that the State and religious authority are embodied in the same person, a vision still common, even in the academic world.[43]

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[41] WATT, 1988: p. 2.

[42] On the diversity of designations with which those phenomena are called see MITCHELL, Jennifer and HASHMI, Arshi Saleem. 2005. ***Islamism and Islamist Movements: a resource guide***. The Middle East Institute/George Camp Keiser Library, Introduction; MOADDEL, Mansoor and KARABENICK, Stuart A. 2008. "Religious fundamentalism among young Muslims in Egypt and Saudi Arabia" in ***Social Forces***, V. 86, n. 4 (June). Chapel Hill: The University of North Carolina Press, pp. 1-4; and SHEPARD, William E. 1987. "Islam and ideology. towards a typology" in ***International Journal of Middle East Studies***, V. 19, n. 3 (August). Cambridge: Cambridge University Press, pp. 307-335.

[43] ESPOSITO, 1983: pp. 3-5.

Ira M. Lapidus says that, contrary to what is thought, there is an important differentiation between State and religious institutions in Islamic societies and that the historical evidence also shows that there is not just one Islamic model for all States and religious institutions, but many, competing with one another. And in each model there are ambiguities in what refers to the distribution of authority, the functions of each institution and the relationships between them.[44]

For Mohammed Arkoun, "in all contemporary societies, developed and underdeveloped, the most recurrent debate is the competition, or radical opposition, between the religious and the secular model in building the best polity and assuring the safest and the most beneficial governance for its citizens."[45]

According to John L. Esposito, "all the world's religions in their origins and histories were fairly comprehensive ways of living. Although the relationship of religion to politics varies, religion is a path or a way of life with a strong emphasis on community as well as personal life. [...] The modern notion of religion has its origins in the post-Enlightenment West. Its restricted definition has become accepted as the norm or meaning of religion by many believers and unbelievers alike in the West. Bereft of a sense of history, few realize that the term 'religion' as known and understood today is a modern and Western interpretation of it. The West then set about naming other religious systems or isms. Christianity and Judaism were joined by the newly named Hinduism, Buddhism, and Mohammedanism. Thus the nature and function of other religious traditions were categorized, studied, and judged in terms of modern Western, post-Enlightenment secular criteria, with its separation of church and state", a Western notion which is also recent.[46]

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[44] LAPIDUS, Ira M. 1996. "State and Religion in Islamic Societies" in ***Past and Present***, N. 151 (May). Oxford: Oxford University Press, pp. 3-27, and also FULLER, 2003: pp. 32-33.

[45] ARKOUN, Mohammed. 2006. ***Islam: to reform or to subvert?*** London: Saqi Books, p. 260.

[46] ESPOSITO, John L. 1999. ***The Islamic threat: myth or reality?*** New York/Oxford: Oxford University Press, p. 258; see also BURGAT, François. 1996. ***L'islamisme en face***. Paris: Éditions La Découverte [edition used ***Que islamismo aí ao lado?*** Lisboa: Instituto Piaget (Crença e Razão nº23), 1999, pp. 229-230].

For Nikki R. Keddie[47] the supposed near-identity of religion and politics in Islam is more a pious myth than reality for most of Islamic history. It is widely believed that Islam and politics are unusually closely intertwined in all spheres and periods, with the partial exception of the past century. This view understates the close church-state relations of the Eastern Orthodox churches and of religion and politics in the pre-modem West, with the difference between Islamic and Christian lands being partly when and how they reached modernity. In practice, despite the often-cited special role of Roman law and the existence of a clear relationship between church and state in the West, Christianity and Islam had rather similar levels of relations between religion and politics in pre-modern times. After the first four pious caliphs, *i.e.* between the death of the Prophet Muhammad in 632 Christ Era (C.E.) and 661 C.E., there were essentially a number of political caliphal dynasties that worked through political appointees and broke religious rules when they wished. The body of *'ulama* partly helped through the creation of schools of law, creating a sphere independent of such essentially temporal rulers, but the *'ulama*'s rulings generally had less force than those of rulers. The independence of rulers from religious control grew as tribal and military converts took increasing power. Authors of advice to rulers often stressed the importance of backing religion, but this was pragmatic advice, not really advice to be good Muslims.[48] Views similar to these on the essential separation of religion and politics can be found in other authors like the cited Ira Lapidus[49], Sami Zubaida[50], Nazih Ayubi[51], Emmanuel Sivan[52], and Aziz Ahmad, to whom it was arguable that Islam was religion and politics (State), *al-Islam din wa dawla*, and even

[47] KEDDIE, Nikki R. 1994. "The Revolt of Islam, 1700 to 1993: Comparative Considerations and Relations to Imperialism" in ***Comparative Studies in Society and History***, V. 36, n. 3 (Jul.). Cambridge: Cambridge University Press, pp. 463-66.

[48] See, for an example, AL-MULK, NIZAM. 1978. ***The Book of Government or Rules for Kings***. London: Routledge and Kegan Paul.

[49] LAPIDUS, 1975.

[50] ZUBAIDA, Sami. 1989. ***Islam, the People and the State***. London: Routledge; and more recently his ***Beyond Islam: A New Understanding of the Middle East***. London: I.B. Tauris, 2010.

[51] AYUBI, Nazih N. 1991. ***Political Islam: Religion and politics in the Arab World***. London: Routledge.

[52] SIVAN, Emmanuel. 1985. ***Radical Islam: Medieval Theology and Modern Politics***. New Haven: Yale University Press.

in the Middle Ages that question existed,[53] with conflicting views by ibn Taymiyya (1263-1328) and al-Ghazali (1058-1111). In the 1950s, Hamilton Gibb had shown that Muslim political thinkers were aware of the separation between State and religion and acknowledged the emergence of an autonomous sphere of religious activity and organisation.[54]

For Mohammed Arkoun, "secularism is implicitly and explicitly included in the Qur'anic discourse and the Medina historical experience. The Ummayyad-Abbasid state is secularist in its sociological and anthropological basis, its military genesis and expansion, its administrative practice, its ideological discourse of legitimacy. The theological and jurisprudential endeavour developed by the *'ulama* contributed to concealing behind a religious vocabulary and sacralising conceptualisation, literay devices, the secularist, ideological basis of the so-called 'Islamic' polity and governance. [...] All those scholars, Muslims and non-Muslims, who contend today that Islam confuses politics and religion, or Islam does not need to address the issue of secularism because - unlike Christianity - it never developed a clerical regime under the leadership of the Church, neglect the two major historical and sociological facts. These are the confiscation of spiritual autonomy by the top (the state) and by the bottom (lay believers mobilised by 'saints' in brotherhoods) that began in 661 and has lasted until today.[...] The large majority of the political regimes which emerged in Muslim contexts after the liberation from colonial domination are *de facto* secular in the sense that they have adopted legal codes, governmental procedures, administrative hierarchies and practices borrowed from liberal Western, or Socialist-Communist patterns of thought and institutional models."[55]

However, the older view remains strong, and it is still frequently heard that Islam is religion and world (*al-Islam din wa dunya*), implying that in the Islamic ideology the religious and social dimensions of behaviour are integrated. The well-

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[53] AHMAD, Aziz. 1962. "Trends in the Political Thought of Medieval Muslim India" in ***Studia Islamica***, N. 17. Paris: Maisonneuve & Larose, pp. 121-130.

[54] GIBB, Hamilton. 1955. "Constitutional Organization" in KHADDURI, Majid and LIEBESNY, Herbert J. (eds.). ***Law in the Middle East. Origins and development of islamic law***. Washington, D.C.: Middle East Institute, pp. 3-27. We have used a reprint from 2008 by The Lawbook Exchange, Ltd.; see also LAPIDUS, 1975: pp. 363-385; and NASR, 1994: pp. 15-16.

[55] ARKOUN, 2006: pp. 261-263.

known dictum about Islam being a religion and a state (*al-Islam din wa dawla*) owes its origins to the alarmed reaction in Muslim circles to the final abolition of the caliphate, in 1924, at a time when most Muslim communities were suffering from territorial division under the impact of European colonialism. In 1925, the Egyptian *shaykh* from al-Azhar University, 'Ali 'Abd al-Raziq (1888–1966) published his most controversial book, ***al-Islam wa usul al-hukm***[56] (***Islam and the Foundations of Governance: Research on the Caliphate and Governance in Islam***), in which he argued that Islam was a "message not a government, a religion not a state." Although there had been earlier indications of this idea, such as in the writings of the Syrian 'Abd al-Hamid al-Zahrawi (1855-1916)[57], the unambiguous, hard-hitting style of 'Abd al-Raziq's book was unprecedented and provoked a vigorous reaction and an extremely heated debate which reverberates to this day.

Thinkers like Hassan al-Banna (1906-1949), Mawdudi or Sayyid Qutb, who were contemporaries of the abolition of the Caliphate, were the ones who reinvigorated and redefined the notion that Islam was religion and State at the same time, with the conviction that the State built by the Prophet and his companions in Medina was the only one truly Islamic, and reproducible in the contemporary world.[58]

'Abd al-Razzaq Ahmad al-Sanhuri (1895–1971), the distinguished jurist who later codified the Egyptian, Iraqi, and other Arab civil laws in a modernized form combining *shari'a* and European principles, could hardly ignore the controversy over the abolition. In his book ***Le Califat***[59] he called for a new caliphate to preside over a general assembly composed of delegations from all Muslim countries and

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[56] AL-RAZIQ, Ali Abd. 1925. ***Al-Islam Wa Usul Al-Hukm: Bahth Fi-l Khilafa Wa-l Hukuma Fi-l Islam*** (***Islam and the Foundations of Governance: Research on the Caliphate and Governance in Islam***). [Spanish translation used: ***El Islam y los fundamentos del poder***. Granada: Editorial Universidad de Granada, 2007].

[57] For further information on al-Zahrawi see MOUBAYED, Sami M. 2006. ***Steel & silk: men and women who shaped Syria, 1900-2000***. Seattle: Cune Press, pp. 398-99.

[58] CAMPANINI, Massimo. 2007. "O pensamento político islâmico medieval" in PEREIRA, Rosalie Helena de Souza (org.). ***O islã clássico: itinerários de uma cultura***. São Paulo: Editora Perspectiva, pp. 261 and 280; CHARFI, Abdelmajid. 2005. ***Pouvoir politique et pouvoir religieux dans l'histoire de l'islam***. Available at http://nawaat.org/portail/2005/02/05/pouvoir-politique-et-pouvoir-religieux-dans-lhistoire-de-lislam/, last accessed 21/02/2012; ESPOSITO, 1983: pp. 9-10; ZUBAIDA, 1989.

[59] AL-SANHURI, 'Abd al-Razzaq Ahmad. 1926. ***Le Califat, son évolution vers une société des nations orientales***. Paris: Paul Geuthner.

communities. Although al-Sanhuri was almost a secularist (or only a cultural Islamist), the contemporary writer Muhammad Sa'id al-'Ashmawi credits him with having coined the phrase "*al-Islam din wa dawla*" in an article published in 1929.[60]

As demonstrated above, researchers' opinions on the relations between religion and politics, or *State*, in Islam, throughout history and nowadays, are very divergent: amid such a variety of views and opinions, is it really possible to offer a single answer on the question of what is the role of Islam in the political process? Thus, another objective of this research is to explore how different thinkers think, and thought, about that role, and under what conditions.

Why study Islam in South Asia?

In this research, the focus will be on how different thinkers conceived the State, the role of Islam, and of the *Shari'a*, in the formation and organization of a State, especially their interactions with the concept of the "Nation-State" which was promoted, during the nineteenth and the twentieth centuries, as an expression of political modernity. The Muslims of South Asia are *circa* four hundred and fifty million, more or less evenly distributed between Pakistan, India and Bangladesh, and there are more Muslims in South Asia than in any other region in the world. After the Great Mutiny, or Sepoy Revolt, of 1857-58, and although the great majority of the insurgents were Hindus, the last Mughal emperor, Bahadur Shah Zafar (1775-1862), was put on trial by the British and charged with being behind an international Muslim conspiracy stretching from Istanbul, Mecca and Iran to the walls of the Red Fort in Delhi. The Mutiny was crushed, the Emperor was sent into exile in Burma, where he passed away in 1862, and India became *de jure* under British rule.[61]

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[60] For further details see WIELANDT, Rotraud. 2003. "Is the unity of religion and state a *sine qua non* condition in Islam?" in MUNAVVAROV, Z. I. and SCHNEIDER-DETERS, W. (eds.). ***Islam and the Secular State***. Tashkent: International Fund of Imam al-Bukhari and Friedrich Ebert Foundation, p. 204, footnote 5.

[61] For a detailed account on the origins, causes and consequences of the Revolt see DALRYMPLE, William. 2007. ***The last mughal: the fall of a dynasty, Delhi, 1857***. London: Bloomsbury.
For a general overview on the Mughal India see ALAM, Muzaffar and SUBRAHMANYAM, Sanjay (eds.). 1998. ***The Mughal state, 1526-1750***. Delhi: Oxford University Press; ALAM, Muzaffar. 2006.

Between 1857 and 1947, the subcontinent went through great transformations, especially at a political level, and some of the most important outcomes of the Sepoy Mutiny of 1857 were the end of Islam's political preponderance in the region, the end of the Mughal dinasty, which had established itself in India since 1526, and the replacement of Muslim political power with the British one. To consider the importance of this event one should have in mind the fact that even nowadays comparisons are being made to contemporary events and situations.[62] Also, it should be remembered that what now is Eastern Afghanistan was on those days part of the Mughal Empire, and that in 1893 a British Commission, led by Sir Edward Durand, unilaterally determined the border between Afghanistan and British India, along the Khyber Pass. The two thousand and four hundred kilometre long border, known as the "Durand Line", ran exactly along the line that marks the Afghan-Pakistan boundary today. Although the opposing zones of influence were by this time a political fact, the Durand line confirmed that existing political separation. It dissected many Pashtun tribes, seriously undermining their potential for unity and prospects for an independent territory of Pashtunistan (or "place of Pashtuns"), which could have possibly been consolidated between the Indus River and Hindu Kush. At the same time, it sowed the seeds of an enduring border dispute between Afghanistan and Pakistan which emerged upon the creation of the latter as a majority Muslim state out of the Hindu-dominated India in 1947.[63].

Although the prevalent approach in the study of Islam is to consider its "Arab" character as central, the Muslims in the pre-Partition India constituted the largest body of Muslims in the world, and the vast political and intellectual influence exerted by South Asian Muslims on the wider Muslim world is often neglected. Many of the most important political, intellectual and spiritual developments within Islam have

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"A Muslim State in a Non-Muslim Context: the Mughal Case" in ***Mirror for the Muslim Prince: Islam and the Theory of Statecraft***. Conference at the Moynihan Institute of Global Affairs. Available at http://thecollege.syr.edu/depts/RaySmith/protect/MuzaffarAlam.doc, last accessed 30/01/2009; ERALY, Abraham. 2004. ***The Mughal throne: the saga of India's great emperors***. London: Phoenix; GASCOIGNE, Bamber. 1998. ***The Great Moghuls***. London: Constable; and RICHARDS, John F. 1998. ***The Mughal Empire***. Cambridge: Cambridge University Press (The New Cambridge History of India I-5).

[62] For an example see MALIK, Salahuddin. 2008. ***1857: War of Independence or a Clash of Civilizations? British Public Reactions***. Oxford: Oxford University Press.

[63] For further details, see SAIKAL, Amin. 2010. "Afghanistan and Pakistan: The Question of Pashtun Nationalism?" in ***Journal of Muslim Minority Affairs***, V. 30, n. 1. London: Routledge, pp. 5-17.

had their origins, or have flourished, in South Asia, and Muslims from the region have played important roles in the global history of Islam, including the role of Islam in the colonial period, resistance to colonial rule, and intellectual responses to, and dialogue with, Western thought. Pakistan was specifically created to provide a homeland for South Asia's Muslim population and its trials and tribulations over the past sixty-five years have been carefully watched by Muslims and non-Muslims alike. Muslims constitute India's largest minority, with an often uneasy relationship to the majority, and during the last hundred years there has been extensive English-language writing and research on Islam in South Asia, both by Muslim and non-Muslims scholars.[64] For the occasion of the sesquicentennial of India's Great Rebellion of 1857-58 in 2007-2008, scholarship on new aspects of the war as well as retrospectives on the conflict's often acrimonious historiography was spawned[65], and many Muslims still consider that the British, in 1947, should have given back to Muslims the rule of India.[66]

As Iqbal Singh Sevea shows[67], the period between 1857, year of the Sepoy Revolt, and 1947, year of independence and Partition of India into two states, was very rich in Islamic reformist thinking, originating an intense debate which crossed the geographical borders of India and anticipated many contemporary issues: women's condition, the role of religion in politics or the end of the Caliphate. At the same time, the world at large went through significant events, which influenced India and the Islamic world, almost entirely under imperial and colonial European rule. Throughout this period, on which we will focus in this research, Muslims in India witnessed the bourgeoning of a public sphere as members of its elite attempted to use newspapers, journals and tracts as a means to inform public opinion, discuss the contemporary condition of the Muslims, and usher in social and religious reforms.

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[64] For further details on Islam in South Asia see GABORIEAU, Marc. 2007. ***Un autre Islam: Inde, Pakistan, Bangladesh***. Paris: Albin Michel; MALIK, Jamal. 2008. ***Islam in South Asia: a short history***. Leiden: Brill; and TAYLOR, David (ed.). 2010. ***Islam in South Asia***. Oxford: Routledge.

[65] ANDERSON, Clare. 2007. ***Indian Uprising of 1857-8: Prisons, Prisoners and Rebellion***. London: Anthem Press; and PATI, Biswamoy (ed.). 2007. ***The 1857 Rebellion***. Oxford: Oxford University Press.

[66] BAKER, Aryn. 2007. "Beyond faith" in ***Time***, August 13, pp. 22-29.

[67] SEVEA, Iqbal Singh. 2006. "Islam, State and Modernity: Muslim Political Discourse in Late 19th and Early 20th century India" in ***IDSS Working Paper Series***, n. 115. Singapore: Institute of Defence and Strategic Studies.

According to John Obert Voll, "the Islamic world faced a major challenge during the nineteenth century. Expanding Western European states and economies played an increasing role in determining events, both on a global scale and within Islamic societies. By the end of the century, many Muslim territories were under direct European control, and much of the rest of the Muslim world was dominated by the West. [...] At times, the Islamic-Western interaction has resulted in fruitful cooperation, but the prevailing tone in the nineteenth century was one of conflict. Rather than partnerships emerging, the primary arrangement was domination-subordination. The context for the Islamic experience was thus often one of struggle, and the new Western ideas and techniques were seen as being in competition with the Islamic ideals. From a strict Islamic standpoint, adaptation in this context gave the appearance of surrender. It was not until the end of the nineteenth century that significant efforts were made to create an Islamically oriented adaptationism. Part of the problem for Muslims was a growing awareness of Western power and the feeling that the strength of the modern ideas and institutions was in fact qualitatively different from the Islamic sources of power. For a community whose historical experience tended to reinforce the idea that 'God is on the side of those who fear Him and do good', the visible strength of the modernising West pose grave problems, and at times, it created a sense of unease. [...] In the diversity of the Islamic experiences during the nineteenth century, some general trends can be discerned. There was a continuing momentum of the eighteenth-century developments that gave inspiration to Islamic activist movements in many areas. There were also substantial efforts to introduce Western techniques in the creation of more effective state structures. The success of both of those efforts was limited in the nineteenth century in the face of growing European dominance, and as that fact became clear, efforts were made to redefine Islam in order to meet the challenges. Along with that redefinition, other activities developed, sometimes in conjunction with and sometimes in competition with Islamic sentiments. These activities involved more clearly secularist attitudes, ideas of radical reform, and nationalism."[68]

On the same line of thinking, John L. Esposito says that "although modern Islamic reform is often simply presented as a response to the challenge of the West, in

[68] VOLL, 1994: pp. 84-85.

fact its roots are both Islamic (its revivalist tradition) and Western (a response to European colonialism). Islam possesses a rich, long tradition of Islamic revival (*tajdid*) and reform (*islah*). Down through the ages, individuals and organizations undertook the renewal of the community in times of weakness and decline, responding to the apparent gap between the Islamic ideal and the realities of Muslim life. As with all things, a return to Islam – that is, to the fundamentals: the ***Qur'an***, the life of the Prophet, and the early Islamic community – offered the model for Islamic reform."[69]

Since the middle of the eighteenth century, many individuals and movements tried to reform and renew Islam, each according to the environment where they worked. Throughout the eighteenth and nineteenth centuries, different movements and individuals were active in the Islamic world, like the Mahdi in the Sudan, the Sanusi in Libya, the Wahhabi in Arabia, the Fulani in Nigeria, the Padri in Indonesia, and Shah Wali Allah in India. Most of these movements were internally and externally motivated: to respond to the decline, whose root cause was considered to be within the Islamic world, and the European expansionism, which would invade, conquer and colonise most of it in late nineteenth, early twentieth century.[70]

Within the Muslim world, and according to Nikki R. Keddie, revolts with a religious aspect or ideology had had a long history, but these revolts, common in the early centuries of Islam, became less frequent thereafter, resurfacing with a revivalist tone after *circa* 1700. These revolts can be characterised into three phases, tied to interaction with the West, in different ways, although this was far from being their only cause: 1) the pre-colonial phase; 2) early resistance to colonialism; and 3) the recent Islamic revival.[71]

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[69] ESPOSITO, 1999: p. 47; VOLL, John Obert. 1983. "Renewal and reform in Islamic history: *tajdid* and *islah*" in ESPOSITO, John L. (ed.). 1983. ***Voices of resurgent Islam***. New York/Oxford: Oxford University Press, pp. 32-47.

[70] ESPOSITO, 1983: p. 14; ESPOSITO, 1999: pp. 47-8; KURZMAN, Charles (ed.). 2002. ***Modernist Islam, 1840-1940: a sourcebook***. Oxford: Oxford University Press, pp. 3-27; VOLL, 1994: pp. 29-31.

[71] It is interesting to note that in Hinduism, in this same period, there were many movements and thinkers who theorised about Hinduism in political terms and tried to conceptualise, with a modern language, the notion of a Hindu nation, through movements of reform proposed by figures like Rammohun Roy (1772-1833), Swami Vivekananda (1863-1902), Sarvepalli Radhakrishnan (1888-

In India, the need for reform was put forward by Shah Wali Allah (1702/3-1762), who lived in a period of political decadence of the Mughal dinasty. His works and theories were of great influence and many of the later thinkers and movements in Muslim India would consider themselves as spiritual heirs to his thought, although many of them had great differences between them, sometimes with completely different agendas. Of particular importance was his notion of *ijtihad* (independent reasoning) which would have a deep impact on many movements which sprang up, proposing a reform of Islam, with the aim to bring again an idealized Golden Age, *i.e.*, the epoch of the Prophet and the Companions, but the proposals and the discourses varied according to each individual and each movement, something that we can still discern nowadays in many Islamist movements or movements that use Islam as a source of identity.[72]

One of the individuals to propose a reform of Islam was Sayyid Ahmad Khan (1817-1898), founding figure of the Aligarh movement. After the events of 1857-1858, Ahmad Khan came to the conclusion that the Muslims of India had to accommodate the British, and use modern education to advance themselves. This line of thought influenced, among others, Chiragh 'Ali, who defended that, in Islam, the "State" was separated from the "Church", and Muhammad Iqbal, who would, in turn, influence Abu'l 'Ala Mawdudi and 'Ali Shari'ati (1903-1977). Mawdudi was fiercily anti-British and a staunch supporter of an Islamic State, and his work was fundamental in shaping the views of Sayyid Qutb, an important ideologue of the Egyptian Muslim Brotherhood. 'Ali Shari'ati, drawing on Iqbal's critique of Marxism and his construction of Islam as the solution to contemporary social, economic and political problems, was very influential for the Revolution in Iran in 1978-79.[73]

1975) and Vinayak Damodar Savarkar (1883-1966). For further details see SEN, Ronojoy. 2008. "Tonos de azafrán: el hinduismo político" in ***Vanguardia dossier***, n. 27 (Abril-Junio). Barcelona: La Vanguardia Ediciones, pp. 46-51.

[72] BURGAT, 1999: pp. 104-110; and ESPOSITO, 1999: pp. 15-17 and 128-129.

[73] SHARI'ATI, Ali. 1980. ***Marxism and Other Western Fallacies: An Islamic Critique***. Berkeley (California): Mizan Press.

Studying the State in an Islamic context

According to Nazih N. Ayubi, Nader Hashemi and Emran Qureshi, to define the proper relation between Islam and the state remains a central and unresolved question. Among the chief questions are whether or not revealed sacred text, in this case the ***Qur'an***, should be the exclusive or principal source of political legitimacy, and whether or not government should enforce a particular religious doctrine. Islamist movements have been strengthened globally (as recent elections in different countries of the Arab world have shown), and though their ideological positions vary greatly and are contingent upon local circumstances, they all insist on the primacy of the *Shari'a*, even though they may interpret it in vastly different ways. Support for the ideal of an Islamic state today needs to be situated against the broad failure of the secular post-colonial Muslim-majority state. Although there are a few countries that may qualify as exceptions, such as Turkey and Indonesia, most states in the Muslim world today have been characterized by corruption, cronyism, authoritarianism, and varying degrees of political repression. It is in this context that the "Islamic state" option appears most attractive. At times, Muslim political identity today is formed in opposition to and rejection of "the West." Thus Western support for secularism and liberal democracy, while it pursues foreign polices that are viewed as inimical to Muslim interests, engenders a reactive oppositional Muslim political identity. The consequences of this identity construction lend support to the abstract idea of an "Islamic state" as an alternative to Western models.[74]

In Quentin Skinner's assessment of Thomas Hobbes's use of the term *state* to denote the highest source of authority in matters of civil government, that use was a declaration that could be viewed as marking the end of one phase in the history of political theory and the beginning of another, and a more familiar one, announcing the end of an era in which the concept of public power had been analysed in more personal and charismatic terms, and pointing to a simpler and more abstract vision of sovereignty as the property of an impersonal agency, a vision that has remained ever

[74] AYUBI, Nazih N., HASHEMI, Nader, and QURESHI, Emran. 1995. "Islamic State" in ESPOSITO, John (ed.). ***The Oxford Encyclopedia of the Modern Islamic World***. Vol. 2, pp. 318-325. Available at the ***Oxford Islamic Studies Online***, http://www.oxfordislamicstudies.com/article/opr/t236/e0394, last accessed 08/02/2011.

since and has come to be embodied in the use of such terms as *état, stato, Staat* and state.[75]

For Barbara Goodwin[76], the term "state" is a relative newcomer to political debate. Until the nineteenth century political thinkers preferred terms such as "commonwealth", "political society", "sovereign power" and "government" to denote what would today be called the "state". "Nation-state" is a nineteenth-century term, which embraces the whole of a society as well as its political apparatus. The subject here, however, is the state as the major *locus* of power and authority in every modern society. The state consists of the legislative, executive and judicial branches of government, along with all the institutions to which they delegate powers. Goodwin presents four alternative views regarding the nature of the State, embedded in different ideological or theoretical frameworks, and briefly summarized:

1) *The contractual view*. The state derives from voluntary agreement of men, via the social contract, and its task is to promote the interests of the people as individuals (Locke) or as a collectivity (Rosseau). The state's (or sovereign's) power is unlimited (Hobbes), or limited by men's natural rights (Locke), or is constrained to realize the General Will (Rousseau). The hypothesis of the contract thus leads to no *general* conclusions about the nature and powers of the state, as these are deduced from the different original premises of the various theories. However, it does, in Locke's version, lead to a marked distinction between the institutions of the state and civil society, the "public" and the "private", and entails a natural demarcation between these spheres;

2) *The state as arbiter and nightwatchman*. This view derives from the minimal role assigned to the state by classical economists and liberals. The state is minimal because state intervention impedes individuals' pursuit of their own interests. The utilitarians in particular emphasized the neutrality of the state. All individuals were considered equal, *qua* individuals, so the state could and should take nobody's part, but should

[75] For further details on the linguistic evolution of the word *state* since the 13th century and the historical circumstances out of which the linguistic and conceptual transformations uses of *status* and its vernacular equivalents mutated in such a way as to give their modern range of reference, see SKINNER, Quentin. 2002. "From the state of princes to the person of the state" in ***Visions of Politics. Volume 2: Renaissance Virtues***. Cambridge: Cambridge University Press, pp. 368-413.

[76] GOODWIN, Barbara. 1995. ***Using political ideas***. Chichester: John Wiley & Sons, pp. 266-268.

harmonize everyone's interests. The state's origin is unimportant, for its justification lies in the satisfactory performance of its role of negotiator, arbiter and minimizer of conflict. The state is obliged to care equally for all its members, as utilitarianism enjoins, and to ensure this, the state is best subjected to a constitution which enforces its impartiality. From this perspective, the state is merely the sum of its individual parts, and is seen only as one element, albeit important, in the wider civil society;

3) *The state as organism*. Conservative romantics like Coleridge, but also the anti-romantic Hegel, conceived of the state as an integrated organism, set above individuals, a whole greater than its component parts. Hegel was anxious to oust the contract view and the liberalism based on it. The organic ideal denies the possibility of conflicting interests: it offers a "natural" foundation for the state. Hegel characterized the state as "abstract mind" which acknowledged no other absolute principles, such as morality, and was an absolute in itself, hence the omnipotence of the state in his theory. From this organic account there could be no balance of powers and no neutrality in the state, for the state had its own holistic interest, far above the interests of individuals. According to this analysis the state represented and embodied the whole society or nation; and, finally, 4) *The state as oppressor*, as considered by the Marxist analysis, to which most anarchists would also adhere in principle if not in detail, and which viewed the state as the instrument of the ruling class, and explicitly contradicted the other three views.

In the Islamic world, the term "state" is also a newcomer but, like any other human society, different Muslim communities had to organise themselves politically. Although the original Islamic sources (the ***Qur'an*** and the *hadiths*) have very little to say on matters of government and the state, the first issue to confront the Muslim community immediately after the death of its formative leader, the Prophet Muhammad, in 632 C.E., was in fact the problem of government and how to select a successor, *khalifah* (caliph), to the Prophet. From the start, therefore, Muslims had to innovate and to improvise with regard to the form and nature of government. The first disagreements that emerged within the Muslim community, which led to the eventual division of Islam into Sunnis, Khawarij, Shi'is, and other sects, were undeniably concerned with politics. But theorizing about politics was very much delayed, and

most works of Islamic political literature seem to have emerged when the political realities that they addressed were already in the past.

For Ayubi, Hashemi and Qureshi[77], Islam is a religion of collective morals, containing little that is specifically political: the original Islamic sources rarely convey much on how to form states, run governments, and manage organizations. If the rulers of the historical Islamic states were also spiritual leaders of their communities, this was not because Islam required the *imam* (religious leader) to be also a political ruler, but because Islam had spread in regions where the modes of production tended to be control-based and where the state had always played a crucial economic and social role.

The "monopoly" of a certain religion had always been one of the state's usual instruments for ensuring ideological hegemony (the Roman, Byzantine and Persian Empires are examples), and the historical Islamic state was heir to this tradition. The main piece of political literature inherited from the Muhammadan period is *al-sahifah*, the document often known as the constitution of Medina, the text of which is attributed mostly to the *hijrah* (migration) episode of 622 to 624 C.E. This constitution speaks of the believers as forming one *umma* (community), which also includes the Jews of Medina. Although composed of tribes, each of which is responsible for the conduct of its members, the *umma* as a whole is to act collectively in enforcing social order and security and in confronting enemies in times of war and peace. Given the limited nature of political stipulations in the ***Qur'an*** and the *hadiths*, Muslims have had to borrow and to improvise in developing their political systems. These systems, however, have been inspired by 1) *Shari'a* (which literally means, in Arabic, *path*, *way*, and is usually translated as *Islamic law*), as represented in the ***Qur'an*** and the *Sunna*; 2) by Arabian tribal traditions; and 3) by the political heritage of the lands Muslims conquered, especially the Persian and Byzantine traditions.

The influence of the first source was more noticeable during the era of the first four *rashidun* (rightly guided) caliphs (632-661 C.E.), the second during the Umayyad dynasty (661-750 C.E.), and the third during the 'Abbasid (749-1258 C.E.) and Ottoman (1281-1922 C.E.) dynasties. Muslims had indeed been state builders, in

[77] AYUBI, HASHEMI and QURESHI, 1995.

the practical sense, in such fields as military expansion, government arrangements, and administrative techniques - in this respect they probably preceded Europeans. But these were not really states in the modern sense of the term: they were externally imperial systems, and internally dynastic systems, akin to many other ancient and medieval systems that are normally distinguished from the modern state. Since the state is a Western concept, representing a European phenomenon that developed between the sixteenth and twentieth centuries in relation to various factors, including the Renaissance and the growth of capitalism and individualism, it is not surprising not to find such a concept in Islamic thought prior to the modern era. However, Islamic political thought did have much to say about the body politic and, of course, about rulers and governments: these, when examined and reconstructed, can give us an understanding of what is the closest thing to the concept of the state in traditional Islamic thinking. If the concept of the state in Europe cannot be understood in isolation from the concepts of individualism, liberty, and law, the Islamic concept of the body politic cannot be understood in isolation from the concepts of *jama'a* or *umma* (the group or the community), *'adl* or *'adala* (justice or fairness), and *qiyada* or *imama* (leadership). Basically, the category of politics in traditional Islamic thought is a classification of types of statesmanship, not types of state; it pertains to the problem of government and especially to the conduct of the ruler, not to the polity as a social reality or to the state as a generic category or legal abstraction.

Islamic political theory took shape subsequent to the historical development that it addressed, and indeed most major political concepts did not develop except during periods when the political institutions about which they were theorizing were in decline. Thus, for example, the caliphate theory goes back to the period of the deterioration of the caliphate as an institution during the 'Abbasid dynasty, the appearance of more than one caliph in several Muslim cities (*i.e.*, the division of the Islamic *umma*), and the growth of opposition movements of Shi'is, Khawarij, Muʿtazilis, Ikhwan al-Safa, and others, against the Sunni ruler in Baghdad. Indeed, the caliphate theory was mainly a Sunni refutation of the arguments put forward by the escalating opposition movements (including the Shi'i), and it represented a quest for the ideal, not a positive description of what was actually there. It was only with the process of *tadwin* (inscription and registration), in the middle of the ninth century, that writings on the caliphate emerged, first among the Shi'is, then by way of reaction

among the Sunnis, but most particularly after Muhammad ibn Idris al-Shafi'i (d. 820 C.E.), a founder of one of the four legal schools, had specified the methodological rules of Sunni thought and had enumerated the sanctioned sources of *Shari'a*: the ***Qur'an***, the *Sunna*, *ijmaʿ* (consensus of the learned), and *qiyas* (reasoning by analogy).

Until the beginning of the nineteenth century Muslims thought of politics in terms of the *umma* (a term originally connoting any ethnic or religious community but eventually becoming nearly synonymous with the universal Islamic community) and of a caliphate or a sultanate (*i.e.*, government or rule of a more religious or a more political character, respectively). A concept of the state that might link the community and the government was not to develop until later on. The term *dawla* (used today to connote "state" in the European sense) existed in the ***Qur'an*** and was indeed used by medieval Muslim authors. However, in its verbal form, the word originally meant "to turn, rotate, or alternate." In the 'Abbasid and subsequent periods, it was often used to describe fortunes, vicissitudes, or ups and downs (e.g., "*dalat dawlatuhu*" – "his days have passed"). Gradually the word came to mean "dynasty", and then, very recently, "state."

The Egyptian Rifa'a al-Tahtawi (1801-1873) paved the way for a territorial, rather than a purely communal, concept of the polity when he emphasized the idea of *watan* (or fatherland, as expressed in the French, German, and Russian words *patrie*, *Vaterland*, and *rodina*). Nonetheless he could not break away completely from the (religious) *umma* concept, nor did he call for a national state in the secular European sense. The first time that the term *dawla* (in Turkish, *devlet*) appears in its modern meaning of "state," as distinct from "dynasty" and "government," is in a Turkish memorandum of about 1837. Islamic thinkers, however, were in no hurry to espouse this new concept of the state. This was because the modern Middle East state system did not emerge until after World War I. Jamal al-Din al-Afghani (1839–1897) and Muhammad 'Abduh (1849–1905), therefore, still spoke in terms of the Islamic *umma* and its "firmest bond" (*al-ʿurwat al-wuthqa*, the name of a publication which both animated in late nineteenth century) and of the Islamic ruler and his good conduct. 'Abd al-Rahman al-Kawakibi (1854–1902) went a step further by talking about the Islamic league (*al-jami'a al-Islamiya*) as a religious bond, using the term *umma* not in

an exclusively religious but sometimes in an ethnic sense and the term *watan* when he spoke of what united Muslim with non-Muslim Arabs. He also distinguished between politics and administration of religion (*al-din*) and politics and administration of the "kingdom" (*al-mulk*), saying that in the history of Islam the two had only been united during the *rashidun* era (632-661 C.E.) and that of Caliph 'Umar ibn 'Abd al-'Aziz (r. 717–720 C.E.).

The modern concept of the Islamic state emerged as a reaction and response to the demise of the last caliphate in Turkey in 1924. Muhammad Rashid Rida (1865-1935) started the move in that direction when, as a protest against the Turkish decision after World War I to turn the caliphate into a purely spiritual authority, he published, in 1923, his book ***Al-Khilafa aw al-Imama al-'Uzma*** (***The Caliphate or the Grand Imamate***), in which he argued that the caliphate had always been, and should continue to be, a combination of spiritual and temporal authority. He called for an Arab *khilafat durura* (caliphate of necessity or urgency) and maintained that this would give both Muslim and non-Muslim Arabs a state of their own.[78]

The intellectual evolution of the concept of "*al-Islam din wa dawla*" took another step forward about a decade later. The political context was marked by British colonialism and the Indian-Pakistani writer Abu'l 'Ala Mawdudi (1903-1979) was its major proponent. Indian Muslims had indeed reacted most vociferously to the demise of the Ottoman caliphate by, among other things, forming the Khilafat movement. Most of his political ideas were developed in India in the turbulent period between 1937 and 1941. But whereas many saw the emergence of Pakistan as grounds for optimism, what Mawdudi wanted was not a Muslim state, *i.e.*, a state for the Indian Muslims, but an Islamic state, *i.e.*, an ideological state run only by true believers on the basis of the ***Qur'an*** and *Sunna*. Consequently, Mawdudi directed much of his writing against nationalism and against democracy, because he believed that either or both would result in a non-Muslim government. A particular idea that would be widely echoed was his Khawarij-inspired concept that *al-hakimiya* (total absolute sovereignty) should be for God alone, not for law and not for the people. Also

[78] For further details see LEGRAIN, Jean-François. 2006. ***L'idée de califat universel et de congrès islamique face à la revendication de souveraineté nationale et aux menaces d'écrasement de l'empire ottoman. À propos du*** **Traité sur le califat de Rachîd Ridâ**. Lyon: Maison de l'Orient et la Méditerranée.

influential was his emphasis on the Khawarij-Ibn Taymiyya concept that what makes a Muslim is not simply acceptance of the credo, *al-shahadatayn* (there is no god but God, Muhammad is God's Messenger), but rather active involvement in enforcing the Islamic moral order on the legislative, political, and economic affairs of the society. Mawdudi would influence, among others, the Egyptian Sayyid Qutb (1906-1966), member of the Muslim Brotherhood and a most influential figure for contemporary political Islamists.

Hasan al-Banna (1906-1949), founder of the Muslim Brotherhood in Egypt in 1928, appeared to arrive at similar if less-sweeping conclusions about a decade after the movement's formation. From a moralistic and social emphasis, al-Banna began to move in a political direction and to speak in his writings of "an Islamic nationalism that is far superior to any local nationalism", and he denied that the Muslim Brotherhood was a political party, but admitted that "politics on the foundation of Islam is at the heart of our idea." To him Islam was everything: "a belief and a form of worship, a fatherland and a nationality, a religion and a state, spirituality and action, a book and a sword." Such a formulation becomes even more extreme with his fellow Muslim Brother 'Abd al-Qadir 'Awda (d. 1954), according to whom Islam was also "a religion and a state." To this author, the two are so blended that they cannot be distinguished: "the state in Islam has become the religion, and religion in Islam has become the state." And "just as religion is [the first] part of Islam, so is government the second part, indeed it is the more important part."

Is it really possible to deduce directly and unambiguously from the ***Qur'an*** and the *hadiths* the form of the state and the nature of government? The fact is that the few contemporary polities that call themselves, or are taken to be, Islamic states are very different from each other in their most important political aspects. Such countries might be similar in terms of applying so-called Islamic penalties (*hudud*) or of trying to avoid the receiving or giving of banking interest taken to be forbidden (usury, or *riba*), yet they are very different from each other with regard to their political forms and constitutional arrangements. Nor do they usually have mutual recognition of each other as being Islamic states.

Saudi Arabia is taken to be the earliest contemporary Islamic state, dating at least to the early 1930s. It is a monarchy (a form considered un-Islamic or even anti-Islamic by many), although the king has recently dropped the title of "his royal majesty" and replaced it with the more Islamic one of *Khadim al-Haramayn* ("servant of the two sanctuaries", Mecca and Medina). Saudi Arabia owes its origins to tribal conquests and alliances, and it continues to rely on tribal solidarity to maintain the cohesion of the regime. It does not have a constitution (the ***Qur'an*** being its fundamental law), nor does it have a parliament or political parties, although it has a modern-looking cabinet and bureaucracy. Socially, it is extraordinarily conservative, although in terms of employment and services it functions in many ways as a welfare state. What gives the state its Islamic character is mainly the role of its *'ulama* who, following a strict Hanbali/Wahhabi tradition, exercise an unmistakable influence by issuing *fatawa* (plural of *fatwa*, a formal legal opinion, a counsel) on social and political matters, controlling *Shari'a* courts, and directing the morals police.

Islamic Iran, by contrast, is a republic with a constitution, a president, a parliament, a cabinet, bureaucracy, a court system along with regular elections (for regime loyalists). The current state owes its existence to a multi-class popular revolution within which the religious wing, led by a politicized segment of the Shi'i *'ulama*, was able to assume the upper hand.[79] Islam played a mobilizing role and Khomeini's discourse made it possible to combine social conservatism with populism and political radicalism, and to construct a basically *étatist* economy in post-revolutionary Iran. The distinct features of such a regime have been the role of an Islamic jurist as the "Leader of the Islamic Republic", the high representation of *'ulama* in the parliament (*majlis*) and the court system; the *'ulama* also perform key parts in the Guardian Council and the Assembly of Experts. It should be also remembered the important role played by the Islamic Revolutionary Guards and the Basij paramilitary corps.

[79] For further details on the role played by the *'ulama* in the Revolutions of 1905-06 and 1978-79 in Iran, see MOHOMED, Carimo. 2010. "Os *'ulama* no Irão: o seu papel político nas revoluções de 1905-06 e 1978-79" in ***Polímnia: revista do Núcleo de Estudos de Ciência Política e Relações Internacionais*** n. 1. Lisboa: Faculdade de Ciências Sociais e Humanas da Universidade Nova de Lisboa, pp. 32-39.

Sudan is another country where the establishment of an Islamic state was attempted by a military regime; in this case the process was resumed later by another military regime. Ja'far Nimeiri's regime (1969–1985) started with distinct socialist and Arabist leanings but was tempted, with the escalation in its economic and political problems, to adopt an increasingly Islamist orientation, in alliance with the Sudanese Muslim Brotherhood led by Hassan al-Turabi.[80] In 1983–1984 the application of *Shari'a* laws was announced, combined with sweeping powers for Nimeiri himself, stipulated in the emergency law of 1984. Courts were hurriedly formed, summarily handing down severe punishments, including limb amputations. The escalating socioeconomic crisis and the growing resistance in the non-Muslim South, combined with Nimeiri's eccentric arbitrariness, resulted in a popular uprising that ousted him in 1985. But the Islamic movement had used its period in government with Nimeiri to consolidate its organization and to spread its influence within the country's institutions, including the army. This enabled the movement to win in various syndicate and political elections, and when Lieutenant-General 'Umar al-Bashir installed another military regime, in 1989, it was markedly influenced by the National Islamic Front.

Pakistan, which was created in 1947 for the Indian Muslims and was supposed to be a *secular* country, had been claiming to construct an Islamic state, especially since the military *coup d'état* of Zia ul-Haq (r. 1977–1988). The military regime attempted to derive political legitimacy from its program of "Islamization." Initiating the process in 1980, an Islamic legal code, to be applied through *Shari'a* courts, was issued by decree, but this was strongly resisted by the Shi'is and scorned by the women's movement. Tightly controlled elections were held without functioning political parties and interest-free banking was introduced, but faced serious difficulties. Commissions were formed for the Islamization of the economy and of education, and such moves were halted by Zia's death in a plane crash in 1988, but the Islamization programme has continued, with ups and downs, and has resulted in a strengthening of exclusionary sectarian Sunni and Shi'i identities.

[80] A Sorbonne-educated legal scholar and founder of the Sudanese Muslim Brotherhood, Hassan al-Turabi was, in the early 1980s, Attorney General of the Sudan and was directly involved in the political process that sought the establishment of an Islamic state. For more details on how al-Turabi conceived an Islamic state, see AL-TURABI, Hassan. 1983. "The Islamic State" in ESPOSITO, 1983: pp. 241-251.

It should be clear from these cases that although so-called Islamic states may adopt similar practices with regard to moral and social issues (pertaining to family, gender, dress, alcohol, and so forth) there is little similarity in the political features of such states or even in their socioeconomic orientations.

Methodology and sources

This research, which is at the intersection of four fields of knowledge (Political Science, History, Islamic Studies, and South Asian Studies), will investigate what Chiragh 'Ali, Muhammad Iqbal and Mawdudi offered in terms of political models, what were their conceptions of State, and what was the role of Islam in it, the similarities and the differences, and in what ways their thinking was framed by what surrounded them: the influences of western political thought, the interaction between the Islamic world and the West, and the British influence on India.

The sources used are mainly primary ones, and the strategy employed is the one advanced by Mohammed Arkoun[81] (1928-2010) and Quentin Skinner.[82] Combining a critical review of modern studies devoted to early and contemporary periods of what is generally called "Islam" with the systematic deconstruction of the original texts used in these studies as sources of genuine information, primary and secondary texts will not be read in order to discuss the facts themselves, but to *problematize* the epistemis and epistemological framework underlying the articulation of each discourse. One of the main concerns here will be with ideas put forward by Muslim thinkers and not with ideas which are "Islamic" or considered as such, since this would detract us from a study of the debates amongst various Muslim thinkers and the attempts by them to reinterpret and, in the process, shape Islam. While the study of theology and texts is important, far more significant are the political dynamics and historical context in which a given theology ascends, gains acceptance, or loses salience.

[81] ARKOUN, Mohammed. 2006. ***Islam: to reform or to subvert?*** London: Saqi Books, pp. 16-17.

[82] SKINNER, 2002.

From Mohammed Arkoun's perspective, *historical epistemology* had a priority over the purely descriptive, narrative presentation of what "Islam" teaches, or what Muslims say, do or achieve as social and historical protagonists. To what extent are these protagonists aware of the ideological dimensions of their discourse and historical actions? Which cognitive structures do they use for the purpose of interpreting their religion, applying it to their actual life or reshaping it on the basis of historical pressures? To what extent do they develop a critical relationship with their past and their present in order to have better control over their future, and how relevant, effective and creative would such a relationship be?

For a time, during the late 1970s, Mohammed Arkoun called this approach "*applied Islamology*" following the example set by a group of anthropologists who had started the practice of "*applied anthropology*", and, during the following decades, political scientists focused on political Islam, and in particular, fundamentalist movements, to such an extent that they succeeded in marginalizing classical islamology, ignoring the methodological breakthrough offered by *Applied Islamology*. This situation applied both to classical Islamicists, long confined to the philological, historicist application of the most "representative" classical texts, and to the new wave of Islamicists who had had no philological training in the main Islamic languages (Arabic, Persian, Turkish and Urdu) and who had confined their research to socio-political issues considered from a short-term perspective. *Applied Islamology* insists on the need to practise a *progressive-regressive* method, combining the long-term historical perspective with the short-term perspective, because all of the contemporary discourse emerging in Islamic contexts, inevitably refers to the emerging period of Islam, and the "Golden Age" of its civilization used as mythological reference to reactivate "values" - ethical and legal paradigms - which need to be reassessed.

As Quentin Skinner says, concepts not only alter over time, but are incapable of providing us with anything more than a series of changing perspectives on the world in which we live and have our being. Our concepts form part of what we bring to the world in our efforts to make sense of it. The shifting conceptualizations to which this process gives rise constitute the very stuff of ideological debate, so that it makes no more sense to regret than to deny that such conceptual changes continually

take place. With this research, it is also hoped that an explanation is made of why some concepts came to prominence at a particular historical period. Concepts, or what we express through them, have a history. They rise and fall, and in some cases they finally disappear from sight, reflecting deeper transformations in social life.[83]

Not only do political scientists occupy key positions in academic institutions, they also have a strong relationship with the political decision-makers as well as tacit solidarity with the most powerful media. As far as Islamic studies are concerned, the move from classical Islamology, dominated by the classical Orientalist *episteme* and epistemology, to the pragmatic, factual, too often ideological practice of the social sciences by the political scientist, has had little material effect in improving the intellectual shortcomings of scholarship applied in the Islamic sphere of influence in research and teaching.

The ***International Journal of Middle East Studies*** *Transliteration Guide* was used.[84] All Urdu (and Hindi), Arabic, Turkish, and Persian names have been cited using a simplified transliteration system that eliminates diacritical marks other than the *'ayn* and *hamzah*, except in the titles of books or articles. Vowels are rendered by *i*, *u*, and *a*; on occasion, *e* or *o* is substituted to convey a spelling more in line with the local pronunciation of the name or source cited. The use of *u* instead of *w*, and *ia* as opposed to *iyya*, reflects the closest approximation to the local pronunciation of the name or source in question. Terms such as *jihad*, *Shari'a*, and *'ulama* appear in their anglicized form, except when the source is in Turkish (*Ictihad* instead of *Ijtihad* and so on). The meanings of non-European words are explained throughout the text instead of providing a list at the end of this thesis, in a glossary. Personal names are rendered in accordance with the transliteration rules cited above even when spelled differently by the persons in question. The only exceptions are names whose particular spelling has become established in Western literature. In transliterating personal names, the collapse of vowels and the particular pronunciation of Arabic or Persian words typical of Urdu have been retained (hence, for example, Hashmi rather

[83] SKINNER, Quentin. 2002. "Retrospect: Studying rhetoric and conceptual change" in ***Visions of Politics. Volume 1: Regarding Method***. Cambridge: Cambridge University Press, pp. 368-413.

[84] Detailed information can be found at http://web.gc.cuny.edu/ijmes/pages/transliteration.html, last accessed 21/02/2012.

than Hashimi). Whenever the transliteration of a directly quoted source differs from the one employed here, the variations have been respected.

CHAPTER I:

ISLAMIC REFORM MOVEMENTS IN THE 19TH AND 20TH CENTURIES AND THEIR IMPACTS IN INDIA

Throughout the 19th and 20th centuries, in a trend that had begun at the 18th, many thinkers in the Muslim world felt that Islam was going through a period of social decline, political weakness and economic disintegration, expressing itself in different regions where reform movements and schools, while taking into account spiritual and environmental differences of each region, showed an essentially similar character. This pushed those thinkers to propose projects of deep reform in beliefs, ideas and practices based on them. These reformers were convinced that their opinions, policies and programmes were fundamentally similar to those of early Islam, and among the reformist phenomena there were clear differences as to the main theme: some insisted more on purification than others, some were more proactive; and their forms also varied according to local differences and different religious historical experiences. However, the general view presented a clearly defined character: an invitation to return to primitive Islam, the end of moral and social abuses, the general deterioration which the *umma* had undergone over the centuries, since the fall of Baghdad in 1258 at the hands of the Mongols, and, as a proposed solution to these problems, the adoption of an attitude of moral and religious positivism.[85]

The second half of the 19th century was a period of great richness in the history of the modern Islamic movement, when a group of Muslim intellectuals, in different parts of the world, rigorously examined the fundamentals of Islamic jurisprudence. The central theological problems at the core of these examinations focused on the validity of the knowledge derived from sources external to the ***Qur'an*** and the methodology of traditional sources of jurisprudence: the ***Qur'an***, the *hadith*

[85] ANSARI, K. Humayun. 1986. "Pan-Islam and the Making of the Early Indian Muslim Socialists" in ***Modern Asian Studies***, V. 20, n. 3. Cambridge: Cambridge University Press, p. 510; DALLAL, Ahmad. 1993. "The Origins and Objectives of Islamic Revivalist Thought, 1750-1850" in ***Journal of the American Oriental Society***, V. 113, n. 3 (Jul.-Sep.). Ann Arbor: American Oriental Society, pp. 341-359; RAHMAN, Fazlur. 1966. ***Islam***. Chicago: The University of Chicago Press. [Portuguese translation used: ***O Islamismo***. Lisboa: Arcádia (História das Religiões, 4), 1970, pp. 284-5].

(traditions of the Prophet Muhammad), *ijma* (consensus of the Muslim community), and *qiyas* (analogical reasoning). The epistemological step adopted was to reinterpret the first two, the ***Qur'an*** and the *hadith*, and to transform the last two, *ijma* and *qiyas*, in the light of scientific rationalism. Among those who had a strong impact were al-Afghani (1838-1897), Sayyid Ahmad Khan (1817-1898), Muhammad 'Abduh (1849-1905) and Amir 'Ali (1849-1928), who presented Islam in a way that was consistent with modern ideas and rational sciences. They were fascinated with what the West had achieved in technological and scientific progress: the Newtonian conception of the Universe, Spencer's sociology, Darwinian ideas and even Western style of life. All of them argued that, since Islam was a world religion, it was capable of adapting to the changing environment of each age, particularly since the use of law and reason was characteristic of the perfect Muslim community.[86]

Although the felt need for reformist thinking was endogenous, with movements which proposed a fresh rereading against the inherited traditions[87], the shock of European expansionism beginning in the later part of the 18th century, early 19th, the expansive social and intellectual power of Europe, seen not only as an adversary but also as a challenge, in some cases an attractive one, brought a new element which reinforced that feeling. The power and greatness of Europe, science and modern technologies, political institutions of European states, and social morality of modern societies were all favourite issues, forcing the formulation of a fundamental problem: how could the Arabs and other Muslims, and the Ottoman Muslim state, acquire the strength to confront Europe and become part of the modern world?

According to Albert Hourani, the first clear attempts to answer this question came to light in the writings of the officials connected with the reforms in the middle of 19th century in Istanbul, Cairo and Tunis. Some were written in Turkish, others in Arabic. Particularly important was the work of Khayr al-Din Pasha al-Tunisi (c. 1822-

[86] MOADDEL, Mansoor. 2001. "Conditions for ideological production: the origins of Islamic modernism in India, Egypt, and Iran" in ***Theory and Society***, V. 30, n. 5 (October). Kluwer Academic Publishers, p. 669; and MOADDEL, Mansoor. 2005. ***Islamic Modernism, Nationalism, and Fundamentalism: Episode and Discourse***. Chicago: The University of Chicago Press, pp. 42-45.

[87] PETERS, Rudolph. 1980. "Idjtihād and Taqlīd in 18th and 19th Century Islam" in ***Die Welt des Islams***, New Series, V. 20, Issue 3/4. Leiden: Brill, pp. 131-145.

1890), leader of the last attempt to reform the Tunisian government before the French occupation. In the introduction to his book, which would have a strong impact on the thought of Al-Afghani and Sayyid Ahmad Khan[88], he explained his aim:

"First, to urge those who are zealous and resolute among statesmen and men of religion to adopt, as far as they can, whatever is conducive to the welfare of the Islamic community and the development of its civilization, such as the expansion of the bounds of science and learning and the preparation of the paths which lead to wealth... and the basis of all this is good government. Secondly, to warn those who are heedless among the generality of Muslims against persistence in closing their eyes to what is praiseworthy and what conforms with our own religious law in the practice of adherents of other religions, simply because they have the idea fixed in their minds that all the acts and institutions of those who are not Muslims should be avoided."[89]

In the view of such authors, the Ottoman Empire should acquire the strength of a modern state by changes in its laws, methods of administration and military organization; the relationship of sultan and subject should be changed into that of modern government and citizen, and loyalty to a ruling family should be transmuted into the sense of membership of a nation, the Ottoman nation, which would include Muslims and non-Muslims, Turks and non-Turks. All this could be done without disloyalty to Islam or the traditions of the empire, if only they were understood correctly.

As the century went on, and with the rise of the new educated class in the 1860s and 1870s, a split appeared among those who supported the reforms, a division of opinion which was about the bases of authority: whether it should lie with officials

[88] AHMAD, Aziz. 1960. "Sayyid Aḥmad Khān, Jamāl al-dīn al-Afghānī and Muslim India" in ***Studia Islamica***, n. 13. Paris: Maisonneuve & Larose, pp. 59-60; ARNON, Ruth Soule. 1982. "Muslim Revivalism and Higher Education" in ***History of Education Quarterly***, V. 22, n. 4 (Winter). Urbana-Champaign (University of Illinois): History of Education Society, p. 470.

[89] Cited in HOURANI, Albert. 1992. ***A History of the Arab Peoples***. London: Faber and Faber, p. 306. For more details see AL-TUNISI, Khayr al-Din Pasha. 1868. ***Réformes nécessaires aux États musulmans: Essai formant la première partie de l'ouvrage politique et statistique intitulé: La plus sure direction pour connaître l'état des nations***. Paris: Paul Dupont. Original title ***Mukaddime-i Akwam al-Masalik fi Marifetul Ahwal al-Memalik***. Tunis, 1867-1868, later published in Istanbul in 1878. English translation by BROWN, Leon Carl (ed.). 1967. ***The Surest Path. The political treatise of a nineteenth-century Muslim statesman. A translation of the Introduction to The Surest Path to knowledge concerning the condition of countries by Khayr al-Din al-Tunisi***. Harvard University: Center for Middle Eastern Studies.

responsible to their own sense of justice and the interests of the empire, or with a representative government produced by elections. The split between generations of Muslim thinkers went deeper than this, however. The second generation, in all three countries, Ottoman Turkey, Egypt and Tunisia, was aware of a problem implicit in the changes which were taking place. Reform of institutions would be dangerous unless rooted in some kind of moral solidarity: what should this be, and how far could it be derived from the teachings of Islam? Such a question became more pressing as the new schools began to produce a generation not grounded in the traditional Islamic learning, and exposed to winds of doctrine blowing from the West.

This problem, the compatibility of the reforms with Islam, did not arise for the Arabic-speaking Christians of Lebanon and Syria, who played a large part in the intellectual life of this period. For Muslims, however, the problem was inescapable. Islam was what was deepest in them. If living in the modern world demanded changes in their ways of organizing society, they must try to make them, while remaining true to themselves; and this would be possible only if Islam was interpreted to make it compatible with survival, strength and progress in the world. This was the starting-point of those who might be called "Islamic modernists". Islam, they believed, was not only compatible with reason, progress and social solidarity, the bases of modern civilization; if properly interpreted, it positively enjoined them. Such ideas were put forward by Jamal al-Din al-Afghani (1839-97), developed by Muhammad 'Abduh (1849-1905) and, later, by Rashid Rida (1865-1935).

Jamal al-Din al-Afghani was worried about Western penetration in Muslim lands and was afraid that this would provoke the extinction of the *umma*, leading him to ask why the West was strong and Islamic states weak.[90] He found the answer in the West's technological superiority and in Muslims' religious decadence, visible in their lack of solidarity. The solution was for Muslims to adopt Western technology and to reform their religion, returning to the "real" Islam of the Golden Age, the age of the Prophet, the first four caliphs and the pious ancestors (*salafiyya*). Those measures would make Muslims rise from the levels of decadence to which they had fallen. Since al-Afghani believed that true Islam was a religion based in reason, activism and

[90] HAIRI, Abdul-Hadi. 1971. "Afghānī on the Decline of Islam" in ***Die Welt des Islams***, New Series, V. 13, Issue 1/2. Leiden: Brill, pp. 121-125; and HAIRI, Abdul-Hadi. 1973. "Afghānī on the Decline of Islam: A Postscript" in ***Die Welt des Islams***, New Series, V. 14, Issue 1/4. Leiden: Brill, pp. 116-128.

mutual help, Muslims should find the way to their rebirth using force if necessary.[91]

Al-Afghani travelled to India, Afghanistan, the Ottoman Empire and Egypt, where he gathered a certain number of disciples, especially a young *'alim*, Muhammad 'Abduh. In Egypt he participated in the political activities that led to the crisis of late 1870's and, in 1879, he was expelled. After a brief stay in India, al-Afghani lived in Europe, in France, from 1883, where he was joined by Muhammad 'Abduh, exiled from Egypt due to his role in the 'Urabi revolution that led to the British occupation of Egypt in 1882. Jointly, they published a political newspaper, ***The firmest bond (al-'Urwat al-Wuthqa)***, where they challenged the notion that there were nationalities in Islam, because *'asabiyya* (tribalism, clan consciousness) was against the principles of religion. What united Muslims was the religious bond. For al-Afghani and 'Abduh, Muslims' decadence was due to a lack of solidarity with the rivalry between Muslim powers as one of the causes for that decadence, and only a total application of Islamic law would permit the return to the power of ancient times and resistance to foreigners in the countries of Islam.

In a way, al-Afghani and 'Abduh saw primitive Islamic society as a counter-model against those who saw in the importation of western ideologies of liberalism and nationalism the only solution for Muslims' backwardness. Their insistence on religion's earthly objectives and on the necessity of an Islamic solidarity led them to an identitarian affirmation, more than a religious one. For them the gates of *ijtihad* (independent reasoning) were not closed and *taqlid*, the blind imitation, led to stagnation and it was treason to real Islam. The return to the original texts of religion should be done not in blind imitation of what ancestors had done but with the attitude of rediscovering the spirit that inspired them, allowing to minimise the importance of the differences between Sunnis and Shi'is, favouring the solidarity of all Muslims, a kind of Pan-Islamism that started to worry European colonial powers.

Al-Afghani was mainly an activist and the responsibility for developing the grand issues of reformism was left to Muhammad 'Abduh. After his stay in Paris, the

[91] On Jamal ud-din al-Afghani see BENZINE, 2005: pp. 40-41; KEDDIE, Nikki R. 1968. ***An Islamic Response to Imperialism: Political and Religious Writings of Sayyid Jamal Ad-Din "Al-Afghani."*** Berkeley: University of California Press; KEDDIE, Nikki R. 1972. ***Sayyid Jamal ad-Din "al-Afghani": A Political Biography***. Berkeley: University of California Press; and PAKDAMAN, Homa. 1969. ***Djamal-ed-din Assad Abadi dit Afghani***. Paris: G.-P- Maisonneuve et Larose.

'alim went to Syria and, having been authorised to return to Egypt in 1888, was nominated judge in an Islamic court, becoming Egypt's grand *mufti* in 1899. In Muhammad Abduh's work, a distinction emerges between the essential doctrines of Islam and its social teachings and laws. The doctrines had been transmitted by a central line of thinkers, the "pious ancestors" (*al-salaf al-salih*, hence the name often given to this kind of thought, *salafiyya*), which were simple: belief in God, in revelation through a line of prophets ending in Muhammad, in moral responsibility and judgement. They could be articulated and defended by reason, on one hand, and, on the other, Law and social morality were applications to particular circumstances of certain general principles contained in the ***Qur'an*** and accessible to human reason. When circumstances change they too should change; in the modern world, it was the task of Muslim thinkers to relate changing laws and customs to unchanging principles, and by doing so they would give them limits and a direction. Muhammad 'Abduh tried, in vain, to reform both the syllabus of Al-Azhar University as well as its internal organization, supporting himself on British authorities, and passed away in 1905.[92]

Such a view of Islam was to become part of the furnishing of the minds of many educated Muslims, Arabs and non-Arabs alike, and it developed in more than one line.[93] The Islam of those educated in the new fashion was no longer that of the Azhar or the Zaytuna, but that of the reformists of the school of 'Abduh. Among his disciples some were more vocal, such as the future Egyptian nationalist leaders like Qasim Amin (1863-1908), who struggled for women's emancipation; Ahmad Lutfi al-Sayyid (1872-1963), who defended civic virtues and a liberal and constitutional political life and who also founded the modern school of Arabic prose; Sa'd Zaglul (1859-1927), who led the Egyptians in the 1919 revolution, in the struggle for independence; and, finally, the Syrian Rashid Rida.

Those who interpreted Abduh's thought in the direction of a separation *de facto* between the spheres of religion and social life found a new topic of discussion in the 1920s: the abolition of the Ottoman caliphate by the new Turkish Republic gave

[92] LAURENS, Henry. 1993. ***L'Orient Arabe: Arabisme et islamisme de 1798 à 1945***. Paris: Armand Colin, pp. 89-97.

[93] HOURANI, 1992: pp. 306-308.

rise to the thought about the nature of political authority, and one of 'Abduh's followers, the Egyptian 'Ali 'Abd al-Raziq (1888-1966), wrote a famous book, ***al-Islam wa usul al-hukm***[94] (***Islam and the Foundations of Governance: Research on the Caliphate and Governance in Islam***), in which he argued that the caliphate was not of divine origin, and that the Prophet had not been sent to found a state and had not, in fact, done so. His ideas were badly received by religious conservatives, but their implication, that the caliphate should not be restored, was generally accepted.

The other line of thought, also derived from 'Abduh, laid emphasis on the need to go back to the bases of the faith and derive from them, by responsible reasoning, a social morality which would be acceptable in modern times. This kind of reformism began to have a large influence in the Maghrib, and one which in the end would take a political form. In Algeria, an Association of Algerian *'Ulama* was founded in 1931 by Abdel Hamid ben Badis (1889-1940), with the aim of restoring the moral supremacy of Islam, and with it of the Arabic language, among a people whom a century of French rule had torn from their roots. This was sought by putting forward an interpretation of Islam based on the ***Qur'an*** and *Hadith*, tending to break down the barriers between different sects and schools of law, by creating non-governmental schools teaching in Arabic, and by working for the release of Islamic institutions from state control. His work drew upon him the hostility of Sufi leaders and the suspicion of the French government, and by 1939 the Association had become more fully involved in political life, and identified with the nationalist demand that Muslims should have equal rights within the French system, without having to give up their distinctive laws and social morality.

In Morocco, reformist teachings also took root in the 1920s, with similar results. To try to purge Moroccan Islam from the corruptions of later times was, by implication, to attack the position which the leaders of Sufi orders had held in Moroccan society; and to call for a society and state based upon a reformed *Shari'a* was to oppose the rule of the foreign occupiers of the country. Such teachings pointed

[94] AL-RAZIQ, 1925.

the way towards political action, and when a nationalist movement emerged it was led by a disciple of the reformers, ‘Allal al-Fasi (1910-74).[95]

In Indonesia, schools, beneficial organizations and progressive parties came to light from the modernist blossoming of Islamic universe. The most important of the modernist movements, *Muhammadiyah*, was founded in 1912 by a friend of Muhammad ‘Abduh, Kiaji Hadji Ahmad Dahlan (1869-1923). Islam was preached and propagated in common language using, among others, youth groups, female organizations, clinics and asylums, as well as through the modern educational system, following the model of Christian missionaries. Hadji Agus Salim (1884-1954), from Minangkabau, founded in 1925 the *Jong Islamieten Bond* (Young Muslims Federation) and *Muhammadiyah* became, after 1923, a political factor, particularly outside Java, where nationalist organizations had no reach but where Western education had popularised progress and rationalism, something also claimed by the *Muhammadiyah*, who also defended the material aspects of life, saying that that was one of the aspects of primitive Islam, and rejecting the Sufis’ exclusive preoccupation with mysticism. While for traditional Muslims religion was an existential experience, for the modernist it was a means of obtaining earthly objectives, and religious *praxis* was justified by the pragmatic usefulness.[96]

Another important Islamic reform movement, but of a different kind, appeared in the 1930s in Egypt, and would have a wide influence: the Muslim Brotherhood, founded by Hasan al-Banna (1906-49). The Muslim Brotherhood started as a movement for individual, moral and social reform, based on an analysis of what was wrong with Muslim societies, and was inspired by idealised primitive Islam. Similarly to the views of the *Salafiyya* movement, the Muslim Brotherhood believed that Islam was in decay because of *taqlid* and the excesses of Sufism, to which was added Western influence, which, despite its social virtues, had brought foreign values, immorality, missionary activity and imperial domination. The solution was to return to “the real Islam” and the ***Qur’an***, interpreted by true *ijtihad*, and following its teachings in all spheres of life; Egypt should become an Islamic state based on a

[95] HOURANI, 1992: pp. 346-347.

[96] VON GRUNEBAUM, Gustave E. (comp.). 1992. ***El Islam: II. Desde la caída de Constantinopla hasta nuestros días***. Madrid: Siglo XXI (Historia Universal, 15), pp. 281-282.

reformed *Shari'a* and all spheres of life - gender relations, education, economics and, of course, politics - should be based on the ***Qur'an***. At the beginning, the Muslim Brothers were not directly interested in governing the state but they would only recognise as legitimate rulers those who followed the *Shari'a* and who fought foreign rule that threatened it and the community of the faithful. They were mainly preoccupied with Egypt, but their influence would cross the borders of the Muslim world, and their first political involvement was with the Palestinian uprising of the late thirties of the 20th century.

I.1. Early movements: Wahhabism

In the 18th century there were reform movements in Arabia, one of which would be known as the Wahhabi movement, and also an intellectual reaffirmation in Yemen, under two different forms, represented by Yemeni sages: Muhammad al-Murtada (d. 1790) and Muhammad ibn 'Ali al-Shawkani (1758-1834).[97] Al-Murtada represented the moderate ressurection of orthodoxy when he tried to reaffirm and reivindicate al-Ghazali's (1058-1111) line of thought, something also found in most of the Indian reform movements. Al-Shawkani, a Zaydi sage from Sana'a, who considered himself a great chief of the *Ahl al-Sunna* and was celebrated as such, rejected the idea of *taqlid* (blind obedience) and was violently attacked by his contemporaries, including the Zaydis Shi'is. Ibn Taymiyya (1263-1328) had a deep influence on al-Shawkani and on Wahhabism, something which can be seen by the fact that al-Shawkani's work, ***Nayl al-Awtar***, is a commentary on a work devoted to law by Ibn Taymiya's grandfather, Majd al-Din ibn Taymiyya (d. 1254).

This work by al-Shawkani was written at a time when he was still relatively young and he clearly says in the preface that the sages used immensely Ibn Taymiyya's work. This shows that the resurgence of orthodoxy was developing over a certain period of time. However, it came to light in Hanbali form in central Arabia, in the middle of the 18th century, inspired by the teachings of Ibn Taymiyya and the leader of a puritanical movement, Muhammad ibn 'Abd al-Wahhab (1703-1792), who

[97] On al-Shawkani see HAYKEL, Bernard. 2003. ***Revival and reform in Islam: the legacy of Muhammad al-Shawkani***. Cambridge: Cambridge University Press.

had been a sufi when young, and was later influenced by the works of Ibn Taymiyya, and who would have a deep and lasting influence on him, particularly the criticisms on Sufism and its superstitions and intellectual doctrines.

Muhammad ibn ‘Abd al-Wahhab travelled to Iraq and to Iran when he was twenty one years old, studied Philosophy and Sufism, and even gave classes on this. However, after returning to his homeland, when he was about forty, he started to preach his own doctrines, something which caused some in his family to oppose him. After emigrating to Dair’iya (Najd, central Arabia), where he made an alliance with the chief of the local clan, Sa’ud, who accepted his religious opinions, Wahhabism expanded militarily from there to the Najd and Hijaz, dominating the holy cities of Mecca and Medina. During the beginnings of the 19th century, however, the Wahhabis were militarly defeated by Muhammad ‘Ali (1769-1849), Egypt’s governor, under the orders of the Ottoman government, in 1818. But they quickly resurrected locally in the Najd, with its capital in Ryadh and, after being expelled from there and forced to search for refuge in Kuwait, Abd al-‘Aziz ibn Sa’ud (1876-1953) returned to the beginnings of the 20th century, not only to recover his ancestors’ power, but also to establish their dominion through all the territory known as Sa’udi Arabia.[98]

In a short treatise called ***The Book of Unity*** (***Kitab al-Tawhid***), Ibn ‘Abd al-Wahhab attacked the common beliefs in the power of saints and of holy men and the consequential practices: the worship in and of saints’ tombs, faith in the intercession of the Prophet and of saints, *i.e.*, every form of popular religion. In his attacks against generalized moral lapse, Ibn ‘Abd al-Wahhab, besides attacking Sufism, also attacked the blind acceptation of authority, *i.e.*, of the *‘ulama*, in religious affairs, for whom the medieval systems of Islam had become the definitive word and no revision was accepted. So, Ibn al-Wahhab, following Ibn Taymiyya, considered it essential to go beyond the medieval authorities, to the “*Sunna* of the first generations”. In defending so, Ibn ‘Abd al-Wahhab ended up opposing medieval schools’ authority, acknowledging only three authorities: 1) the ***Qur’an***; 2) the Prophet’s *Sunna*; and 3) the authority of the Companions. However, since the *Hadith* had actually been compiled as authority in the 9th century, Ibn ‘Abd al-Wahhab’s followers had to change their position and accepted *Ijma’* of the first three centuries as a source.

[98] BENZINE, 2005: pp. 35-36; and RAHMAN, 1970: pp. 270-271.

The consequences of this position had a deep, long lasting impact on Islam's spiritual and intellectual character. Its insistence in the right to *ijtihad* (independent reasoning) and its condemnation of *taqlid* acted as a powerful force of liberation and, even with the strong opposition it received in the first phases, in the political and religious fields, affecting the subsequent evolution of Islamic character maybe more than any other single factor. "Wahhabism" became, in fact, a generic expression, used not only for that particular movement started by Ibn 'Abd al-Wahhab but also for all kind of similar phenomena, throughout the Muslim world, which defended the "purification of the faith" from degrading additions, and insisted on more or less independent, even original, reasoning in religious matters.[99] It also prepared the field for Muslim modernists to surpass the literalism of the Wahhabis and to enable the *qur'anic* text to be treated and interpreted according to more liberal patterns. "Wahhabism" did not restrict itself to the Wahhabi movement as history knows it but also to other movements, as a kind of abobadal expression, the "Wahhabi idea", covering more analogous than identical phenomena movements of the Muslim world. It could be summarised as an affirmation of monotheism and equality of men combined with different degrees of reinterpretation of the positive heritage and of the actual Islamic tradition for the reconstruction of Muslim society.

I.2. Early movements: Shah Wali Allah of Delhi

Qutb al-Din Ahmad ibn 'Abd al-Rahim (1702/03-1762), known as Shah Wali Allah, lived in a period of historic transition for India, as in his time the Mughal empire started to collapse, with small semi-independent states emerging and the Sikh and Hindu communities challenging Muslim power. He left a vast written work, covering different fields such as the ***Qur'an***, the *Hadith*, Jurisprudence, Sufism, Prophecy, *Shari'a*, Economics, Society, Philosophy and also Poetry. In consonance with the scope of this research, a detailed attention will be given to Politics.[100]

[99] RAHMAN, 1970: pp. 266-269.

[100] For a complete bibliography of Shah Wali Allah's work see AL-GHAZALI, Muhammad. 2004. ***The socio-political thought of Shah Wali Allah***. New Delhi: Adam Publishers and Distributors, pp. 109-

During the 18th century, the Mughal Empire, as an effective system of political control in India, started to collapse. The last years of Aurangzeb's (1618-1707) rule (1658-1707) were characterized by revolts and, after his death, in 1707, wars of succession and the ascension of local and provincial powers brought to an end the political and military unity that had been created by Mughal rule.[101] Hindu and Sikh princes competed with local Muslim commanders, and with Afghan and Persian invaders, for supremacy inside the sub-continent, but no local power was able to impose a position of lasting strength. In time, Great Britain would take over the control of most parts of India but, in the 18th century, the British were just one more amongst innumerable competitors.

In the opinion of Shah Wali Allah, society's decadence had its causes in the lack of a strong faith, disunity between Muslims and a deep moral degeneration. As a solution he proposed a rational interpretation of Islam. Jointly with rational arguments, he presented traditional dialectics and tried to resolve the question of disunity proposing a reconciliation between the different juridical and theological schools, defending Sufism at the same time, into which he had been initiated by his father, Shah 'Abd al-Rahim (d. 1719).

Shah Wali Allah adopted measures for the reconstruction of Muslims' culture, politics and ideological orientation, and his proposals covered fields such as beliefs, social structure, politics, economics, legal and juridical concepts, philosophical and metaphysical ideas, in an attempt to address the needs of this world and the hereafter. In his works, the interaction between the issues of 18th century Islamic history and the special conditions of India is clear. On one hand, he was the culminating point of Islam's evolution that had been put in movement by the ascension of the Mughals and the beginnings of Naqshbandiyyah revivalism, and, on the other, his work furnished the foundation for virtually all important future Muslim movements in India.

Like other Islamic revivalists from 18th century, Wali Allah was not concerned about the modernising challenge of the West, and his reformism came from the

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115, and JALBANI, G.N. (ed. and trans.). 1997. ***Teachings of Hadrat Shah Waliyullah Muhadith Dehlvi***. New Delhi: Kitab Bhavan, pp. 242-244.

[101] JALBANI, 1997: pp. 144-145.

interaction between local conditions, that were changing, and the Islamic dimension. The starting point for Islamic thought in modern India was inspired more by endogenous factors than exogenous, a fact that gives a special characteristic to Islamic revivalism in the context of modern History. Two big issues framed his work: the decline of Muslim community as a whole in India and the disunity and conflict inside the community. Shah Wali Allah did not organize a formal movement nor did he create a special association. The structures he developed were schools, through which he expected to provide the foundations for a revitalisation of Islamic thought and so restore the Islamic position in India. Although his attitude of coexistence with other religions was tolerant, he tried to eradicate from the Muslim Indian social mores the practices and the rituals inherited or taken from Hinduism, something that Aurangzeb had tried before with the court ceremonials.

The stress on the study of the *hadith* was also present in his work. Wali Allah's studies of *hadith*, like his interpretation of Sufism, shows his double concern about reconciling the divisions inside the Muslim community and bringing Islamic practice into accordance to the Islamic ideal. One of the dividing lines was the separation of Sunni Muslims into different juridical schools (*madhab*). In his work, Wali Allah subordinated the study of the Law to the study of the *hadith*. Like Muhammad ibn Abd al-Wahhab, Wali Allah rejected the practice of *taqlid* if it meant a blind obedience to the teachers of the juridical school's traditions. Instead, he believed that *ijtihad* was necessary and that the two unquestionnable sources for Islamic Law were the ***Qur'an*** and the *Sunna* and, so, the study of traditions had precedence to the imitation of former jurists.[102]

Shah Wali Allah was conscious that the ethical and religious decadence of Islam in 18th century was something general and, addressing a very wide field of readers in India and abroad, he wrote in Arabic and Persian, continuing the work begun by Sheikh Ahmad Sarhindi (1564-1624) in the 17th century, consisting in the channelling of the tides of mystical origin in traditional Islam. His effort was based, in part, on a synthesis that stressed a formula of commitment on what the different legal schools of Islam shared between them. He explained the juridical concept of *ijtihad* as

[102] AHMAD, Aziz. 1970. "The Role of Ulema in Indo-Muslim History" in ***Studia Islamica***, N. 31. Paris: Maisonneuve & Larose, pp. 1-13; JALBANI, 1997: pp. 57-81; VOLL, 1994: pp. 58-60.

an effort to understand the principles of canonical Law, and, although he was a rigorist, he opened the way to future modernists of Indian Islam, like Sayyid Ahmad Khan in the 19th century and Iqbal and Mawdudi in the 20th.[103] For example, for Muhammad Iqbal, Shah Wali Allah was "perhaps the first Muslim who felt the urge of a new spirit in him."[104]

In the political sphere, Shah Wali Allah defended the idea of a universal caliphate, but considered the monarchy a necessary institution for the maintenance of peace and order in the Muslim state, which explains the several letters that he wrote to Rohilla Najib al-Dawla, to the Afghan Ahmad Shah Abdali (1723-1773) and to the rulers of princely states of Rohilkand and Deccan asking them to rise up against the Marathas and to re-establish Muslim power and hegemony in India.[105]

The principles of *qur'anic* exegesis, contained in his work ***Al-Fauz al-kabir fi usul al-tafsir***[106], introduced a new dimension in the field of *tafsir* (the interpretation of the ***Qur'an***). Before Shah Wali Allah, and because there was the idea that the text could not be translated, *qur'anic* commentary was an exclusive field for specialists. So, Wali Allah emphasised a direct approach to the ***Qur'an*** and took the initiative of translating it into Persian[107], *lingua franca* of cultivated Muslims in the sub-continent[108], allowing the common people to access it directly, to understand and to explain the teachings of the ***Qur'an*** without recurring to a third party.

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[103] SHAHED, Abul Kalam Mohammad. 2004. "Socio-Political Reform of Muslims in the View of Shah Waliullah and Sayyid Abul A'la Mawdudi" in LONG, Ahmad Sunawari, AWANG, Jaffary, and SALLEH, Kamaruddin (eds.). ***Islam: Past, Present and Future – International Seminar on Islamic Thoughts Proceedings***, 7-9 December. Bangi: Department of Theology and Philosophy, Faculty of Islamic Sciences, Universiti Kebangsaan Malaysia, pp. 40-50.

[104] IQBAL, Muhammad. 1934. "The Human Ego – his freedom and immortality" in ***The Reconstruction of Religious Thought in Islam***. London: Oxford University Press (edition used: New Delhi: Kitab Bhavan, 1974, 6th reimpression, 1998, p. 97).

[105] Al-GHAZALI, 2004: pp. 123-129; and JALBANI, 1997: pp. 149-157.

[106] WALIYULLAH, Shah. 2004. ***Al-Fauz al-kabir fi usul al-tafsir (The principles of Qur'an commentary)***. New Delhi: Kitab Bhavan.

[107] WALIYULLAH, Shah. 1984. ***Fath al-Rahman al Tarjamat al-Qur'an***. Karachi.

[108] Makhdum Nuh (d. 1589) from Hala, Sind, is considered to be the first one to have translated the ***Qur'an*** into Persian. Cf. JALBANI, 1997: p. 7.

Shah Wali Allah's approach to the Science of Hadith was characterised by his view that the *Sunna* was, more than something independent, essentially a commentary to the ***Qur'an***, leading him to consider that there was an organic relation between both. In the field of Philosophy and Scholastics his work ***Hujjat Allah al-Balighah***, his *magnum opus*, made a significant exposition of his vision of an Islamic worldview.[109] Very important in the fields of History and Biography were the works ***Izalat al-Khafa' 'an Khilafat al-Khulafa'***, which dwells on the original caliphal model, *i.e.*, of the first four caliphs, especially the deeds of the first two caliphs and their place in Islam, and ***Surar al-Mahzun***, a short biography of the Prophet Muhammad.

According to his political thought, built on his theory of *irtifaqat* (stages of social development that become more and more complex), the most outstanding and distinctive characteristic of human society is justice (*'adala*), which is both an individual and collective quality. When expressed in dress, manners and mores, it is *adab* (etiquette). When it is maintained in matters relating to income and expenditure, it is "economy". Its observance in the affairs of the state is called "politics". At the pinnacle of the social evolution of man he envisaged something in the nature of a cosmopolitan socio-political organisation, or a commonwealth of different countries, bound together by the spirit of a universal Islamic fraternity.[110]

Many currents of educational, intellectual and spiritual thought, that sprung up in India after Shah Wali Allah, reclaimed themselves from his reformist ideas, like the Modernists from Aligarh, *Ahl-i Sunnat wa al-Jama'at*, *Ahl-i Hadith*, *Jama'at-i Islami* or the educational centres of Deoband, Farangi Mahal and *Nadwat al-'Ulama*.[111]

Wali Allah's theological seminary in Delhi produced a group of theologians between the late 18th century and the early 19th, including his son, Shah 'Abd al-'Aziz, who declared that India, under the British East India Company, was *dar al-*

[109] First published in Bareily (India) in 1870, an English translation was made under the title ***The Conclusive Argument from God*** by Marcia Hermansen. The first part of that translation was published by E.J. Brill at Leiden in 1995.

[110] Al-GHAZALI, 2004: pp. 34, 41, 47-49, 51, 64-80.

[111] Al-GHAZALI, 2004: p. V.

harb (abode of war, in opposition to the abode of Islam, *dar al-Islam*)[112], and one of his disciples, Sayyid Ahmad of Rae Bareilly (Brelwi) (1786-1831), transformed this reformist school into a *jihad* movement[113], being generally considered as the introducer of Wahhabism on a large scale to India, and thought to have been influenced by that doctrine when he visited Mecca, in pilgrimage, in 1822-3. Men were recruited and funds were collected for the *jihad* in a vast area in the North and East of India. Sayyid Ahmad and his companion Shah Muhammad Isma'il (1781-1831), known as Shahid (martyr) and grandson of Shah Wali Allah, died in 1831 in Balakot, in a battle against the Sikh, although killed by local Pathans, who were Muslims.[114] Their followers, although weak and lacking on funds and men, continued the *jihad* against the British, from Sithana to the Western frontier. In 1870-71, some pro-British *'ulama* issued *fatawa* (plural of *fatwa*) dissociating themselves from the movement, but the *jihad* activity went on until 1890.[115]

Meanwhile, Hajji Shari'at Allah (c.1764-1840) had founded in Bengal another movement of reform in the beginnings of the 19th century, known as the Fara'idi movement, characterized by three factors: 1) an anti-British trend, visible in the declaration that India had stopped being *Dar al-Islam* and had become *Dar al-Harb*; 2) an economic and social reform against the rich landowners, and in favour of the peasants and workers; 3) purification of Islam from Hindu ideas and Sufi excesses. This movement was later continued by Shari'at Allah's son Dudhu Miyan, who died in 1864.[116]

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[112] VON GRUNEBAUM, 1990: pp. 247-249.

[113] ARNON, 1982: p. 466.

[114] JALBANI, G.N. 1994. ***Abaqat of Shah Muhammad Isma'il Shahid: being an exposition of Shah Waliyullah's Sataat & Lamahat***. New Delhi: Kitab Bhavan, pp. x-xiii.

[115] GABORIEAU, Marc. 2000. "Le mahdi oublié de l'Inde britannique: Sayyid Ahmad Barelwî (1786-1831), ses disciples, ses adversaires" in ***Revue des mondes musulmans et de la Méditerranée***, ns. 91-94. Aix-en-Provence: MMSH-IREMAM, pp. 257-274.

[116] RAHMAN, 1970: pp. 275-278. On the question of Wahhabism in India and the suitability of this designation to the described movements, see AHMAD, Qeyamuddin. 1966. ***The wahabi movement in India***. Calcutta: Firma K. L. Mukhopadhyay, and the reviews to his work by BROWN, D. Mackenzie, in ***The American Historical Review***, V. 73, n. 4 (Apr. 1968), pp. 1225-1226, and MALIK, Hafeez, in ***The Journal of Asian Studies***, V. 29, n. 3 (May 1970), pp. 717-718.

I.3. Sayyid Ahmad Khan: Short biography and the Aligarh movement

Ideological debates and religious disputes in 19th century resulted in the rise of several important issues in the wider Islamic world such as: 1) The empirical versus the Islamic sciences; 2) The rational basis of law versus the *Shari'a*; 3) Western civilization versus the abode of Islam; 4) Gender equality versus male supremacy; and 5) Constitutionalism versus the Islamic conception of sovereignty. In their re-examination of Islamic worldviews, Islamic modernists pointed to the methodological and conceptual inadequacy of Islamic orthodoxy. In India and Egypt, the active presence of the followers of the Enlightenment, the Westernizers, and the Evangelicals, resulted in the rise of a pluralistic discursive field, where modernist Muslim scholars faced a multiplicity of issues.[117]

In 1832 the Reverend Midgeley John Jennings (d. 1857) arrived at India. He would become, in 1852, chaplain of the Christian population of Delhi, and hoped to convert the local population to Anglican Christianity, thus ending with the local "false religions", a sentiment shared by many Evangelical British in India, who were expecting not only to rule and manage the country but also to "save" her, using their influence through the British East India Company to convert the country. The British Empire was the proof that God was on their side: to propagate the faith would augment even more that empire. Some Evangelical figures, such as the Reverends Henry Martyn (1781-1812), Joseph Wolff (1795-1862) and, especially, Carl Pfander (1805-1865), were important missionaries with an agressive posture of "frontal attack" against Islam, exemplified by the publication of books such as ***Mizan al-Haqq*** (***Balance of Truth***), first published in 1829[118], or ***Remarks on the nature of Muhammadanism***.[119]

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[117] For further details see MOADDEL, 2001.

[118] PFANDER, Carl G. 1910. ***The Mizanu'l Haqq (Balance of Truth)***. London: The Religious Tract Society. For further details see DALRYMPLE, 2007: pp. 58-63 and 126-7; MOADDEL, 2005: pp. 52-62; POWELL, Avril Ann. 1993. ***Muslims and Missionaries in Pre-Mutiny India***. London: Curzon Press Ltd. (London Studies on South Asia, n. 7); and TROLL, Christian W. 1994. "New Light on the Christian-Muslim Controversy of the Nineteenth and Twentieth Century" in ***Die Welt des Islams***, New Series, V. 34, n. 1 (Apr.). Leiden: Brill, pp. 85-88.

[119] PFANDER, Carl G. 1840. ***Remarks on the nature of Muhammadanism: traditions***. Calcutta: Baptist Mission Press.

The impacts on the Indian Muslim community were felt and, at an intellectual level, Sir Sayyid Ahmad Khan (1817-1898) became preoccupied mostly with theological issues, Chiragh 'Ali (1844-1895) with legal reforms, Mumtaz 'Ali with Islamic feminism, and Shibli Nu'mani (1857-1914) and Sayyid Amir 'Ali (1849-1928) with historical Islam and hagiographical studies.[120] Shibli Nu'mani was an associate of Ahmad Khan and taught Persian and Arabic at Aligarh, but became critical of the college after leaving it in 1898 in an attempt to penetrate and, indeed, lead the *Nadwat ul-'Ulama* in Lucknow.[121]

After the Sepoy Mutiny of 1857-58, the leading figures of the Muslim community in India posed a series of questions about their future. The answers were many and three types can be distinguished: 1) Traditionalists, established in Deoband[122] and Bhopal; 2) Shibli Nu'mani's, who helped to establish the *Nadwat ul-'Ulama* in Lucknow, which attempted to be a middle way between the former and; 3) the Modernists, starting with Sayyid Karamat 'Ali (1796-1876) and his disciple Sayyid Amir 'Ali, both from Bengal[123], culminating with Sir Sayyid Ahmad Khan, from the United Provinces (nowadays Uttar Pradesh). The Modernists, who were deeply influenced by Western modern liberal thought, tried to interpret Islam in a rational way, inspired also by the idealised vision on the Mu'tazilite school, and Sayyid Ahmad Khan eventually came to the conclusion that the Muslims of India had to accommodate themselves with the British.[124]

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[120] For more details on how Amir 'Ali tried to explain, in his books, Muslim history from a viewpoint which used the political language of English liberalism, and how his political creed framed his vision of History, justifying his political positions, see MOHOMED, Carimo. 2012a. "Islam, Historia y Liberalismo en Sayyid Amir Ali" in ***Revista HMiC – història moderna i contemporània***, n. 10. Barcelona: Departament d'Història Moderna I Contemporània de la Universitat Autònoma de Barcelona, pp. 198-212.

[121] LELYVELD, David. 1982. "Disenchantment at Aligarh: Islam and the Realm of the Secular in Late Nineteenth Century India" in ***Die Welt des Islams***, New Series, Bd. 22, n. 1/4. Leiden: Brill, pp. 97-8.

[122] METCALF, Barbara Daly. 2004. ***Islamic revival in British India: Deoband, 1860-1900***. Oxford: Oxford University Press.

[123] BOIVIN, Michel. 2003. "Nature, raison et nation dans le modernisme shi'ite de l'Inde britannique" in ***Revue des mondes musulmans et de la Méditerranée***, ns. 101-102 (juillet). Aix-en-Provence: MMSH-IREMAM, pp. 83-105.

[124] SYED, Muhammad Aslam. 1991. "Muslim Response to the West: Muslim Historiography in India, 1857-1914" in ***Journal of the American Oriental Society***, V. 111, n. 1 (Jan. - Mar.). Ann Arbor: American Oriental Society, pp. 193-194.

Sayyid Ahmad Khan was born on 17th October 1817 into an important family from Delhi, which belonged to the Mughal aristocracy.[125] His ancestors claimed to be direct descendents from the Prophet Muhammad through his daughter Fatima and his cousin and son-in-law 'Ali. Ahmad Khan's family had migrated to India through Iran and Afghanistan, and, after his father's death in 1838, he started to work as a civil servant in a Civil Court under the British East India Company in Delhi, dedicating himself to the writing of various subjects like History, Sciences, Theology and Civil Law. At the same time, he re-read the Muslim medieval classical works and produced his first historiographical work, which dwells on the ancient buildings and monuments of Delhi and surroundings.[126]

The events of 1857 caught him in Bijnaur as a civil judge, and his journal between May 1857 and April 1858 became a monography with the title ***Tarikh-i Sarkashi-i Bijnaur***, which is a history of the Mutiny in Bijnaur.[127] In 1859, Ahmad Khan published a book in Urdu, ***Risalah-i-Asbab-e Baghawat-e Hind*** (***Causes of the Indian Mutiny***), later translated into English, in which he criticised the mutiny of the previous years, arguing that there had been only one cause for it, all the others being a consequence: the fact that the natives of India blamed the government for the diminishing of their position and dignity and for maintaining them in a lower position. In addition, the natives blamed the British for daily suffering and for being afraid of abuse at the hands of the officials.[128]

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[125] The biographical information on Sayyid Ahmad Khan is based on IQBAL, Muzaffar. 2001. ***Sayyid Ahmad Khan***. Available at http://www.cis-ca.org/voices/k/syydkhn.htm, last accessed 21/02/2012; MALIK, Hafeez. 1968. "Sir Sayyid Ahmad Khan's Doctrines of Muslim Nationalism and National Progress" in ***Modern Asian Studies***, V. 2, n. 3. Cambridge: Cambridge University Press, pp. 221-244; MALIK, Hafeez. 1970. "Sir Sayyid Ahmad Khan's Contribution to the Development of Muslim Nationalism in India" in ***Modern Asian Studies***, V. 4, n. 2. Cambridge: Cambridge University Press, pp. 129-147; MURAD, Mehr Afroz. 1996. ***Intellectual Modernism of Shibli Nu'mani: an exposition of his religious and political ideas***. New Delhi: Kitab Bhavan, pp. 1-4; RAHMAN, Fazlur. 1958. "Muslim Modernism in the Indo-Pakistan Sub-Continent" in ***Bulletin of the School of Oriental and African Studies***, V. 21, n. 1/3. Cambridge: Cambridge University Press, pp. 82-88.

[126] KHAN, Sayyid Ahmad. 1854. ***Asar-oos-sunnadeed: a history of old and new rules or governments and of old and new buildings in the district of Delhi in 1852***. S.l.: W. Demonte.

[127] Available at http://www.columbia.edu/itc/mealac/pritchett/00urdu/asbab/bijnor/index.html, last accessed 03/08/2010.

[128] KHAN, Sayyid Ahmad. 1858. ***History of the Bijnor Rebellion***, translated by Hafeez Malik and Morris Dembo. Available at

What happened to the Muslims after the Mutiny shocked Sayyid Ahmad Khan greatly and he pursued the task of rapprochement between the British and Indians, and between the former and the Muslims. It was on this period that his book on the causes of the revolt was written[129], exposing the errors of the administration of the East India Company as well as what the native population thought were the actual objectives of the Company: proselytism of Christian missionaries and subsequent conversion of India; in the economic field, the fiscal and financial monopolies of the Company, the smashing of local industries with the objective of creating a market for British exports; the huge fiscal burden in northern India, causing misery; destruction of political and military organization; and the deep discrimination and despise that the Company had for the native population.

In 1860-61, Ahmad Khan published his ***Risâlah Khair Khawahân Musalmanân: An Account of the Loyal Mohamadans of India***, in which he defended that the Indian Muslims were the most loyal subjects of the British Raj (Rule) because of their disposition and because of the principles of their religion, being convinced that the British had come to stay and that their supremacy, with that of the West, could not be doubted in the near future. So, Muslims should rethink their way of living, being at the risk of falling further. For him, the existing resentment was due to mutual prejudices and ignorance. His effort to mediate between Christianity and Islam took shape in his work ***Ahkam-i Ta'am-i Ahl-i Kitab***, dealing with the social contact between Muslims, Christians and Jews, and in a commentary to the Bible, where he tried to establish that both religions derived from the same source and that their similitude would be quickly recognized by whoever studied and compared them. In that commentary to the Bible, ***Tabîyyan alkalâm fi'l-tafsîr al-tawrâ wa'l-injîl calâ millat al-islam*** (***The Mahomedan Commentary on the Bible***), he included, as an appendix, a *fatwa* issued by Jamal ibn al-'Abd Allah 'Umar al-Hanfi, the Mufti of Mecca, who said that as long as some of the rites of Islam were maintained in India, this was *Dar al-Islam* (Abode of Islam). The aim was to contain the *fatwa* issued by some Indian *'ulama* saying that India had become *Dar al-Harb* (Abode of

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http://www.columbia.edu/itc/mealac/pritchett/00urdu/asbab/bijnor/index.html, last accessed 21/02/2012.

[129] KHAN, Sayyid Ahmad. 1873. ***Asbab-e-Baghawat-e-Hind (The causes of the Indian Revolt)*** in MOHAMMAD, Shan (ed.). 1972. ***Writings and Speeches of Sir Syed Ahmad Khan***, Bombay: Nachiketa Publications, pp. 15-33.

War). At the same time, Ahmad Khan tried to make Muslims see that modern western education, with its emphasis on science and rational thought, would only be beneficial to the community, and also tried to synthesize it with Islamic religious thought, defending that in this there was nothing that opposed to the study of science and that there was nothing to be afraid of from its impact.

Arguing that the ***Qur'an*** should be interpreted according to each time and its conditions, Sayyid Ahmad Khan defended that the *Hadith* did not furnish an adequate basis for the understanding of Islam, and that religion had suffered many changes through time, especially with the additions and mixings of the specialists' opinions. So, it was necessary to extract all the "exotic" ideas and put them in their respective perspectives. Ahmad Khan conceived a new educational system, in which the responsibility to educate future generations would be on the Muslim community itself and in which the intellectuals would receive education in Islam and in Western sciences, becoming Aligarh's main educational basis, with future impacts in Indian Muslim society in the modernist trend.

Ahmad Khan created two schools in the cities of Muradabad and Ghazipur, having established in the first one, in 1864, the Scientific Society, which was moved in 1867 to Aligarh. The objectives of the Society were to translate works on Arts and Sciences from English or other European languages so they could be understood by the natives; to find and publish rare and valuable oriental works which did not have a religious character; to publish a periodical, the weekly ***Aligarh Institute Gazette***; to offer lectures on scientific subjects or others that were considered useful. The main objective for Aligarh was to become the source of a new leadership for Indian Muslims, responding to the new conditions in the world and based on new kinds of knowledge, claiming this new knowledge for Islam, and protecting the faith and identity of their English-educated sons in the face of competing sorts of belief and allegiance.[130]

Many translations of English works in the fields of History, Political Economy, Agriculture, Mathematics and others were published, and the institution of modern education and Western scientific knowledge as a way of reform and renewal

[130] LELYVELD, 1982: p. 101.

of the Muslim community and/or Muslim countries was also common in other places like Egypt, the Ottoman Empire or Tunisia.[131]

In 1866 the Aligarh British Indian Association was created, with more political aims in the sense of influencing the government's decisions in what was related to Indian Muslims, but with little impact. Ahmad Khan, who had been elected honorary Fellow of the Royal Asiatic Society of London in 1864, visited England in 1869-70, staying in the British capital for seventeen months with his two sons, Sayyid Hamid and Sayyid Mahmud, a friend, Mirza Khuda Dad Beg, and an employee. Besides giving him the opportunity for contact with the local reality, the stay also gave him the chance of meeting the State Secretary for India and Queen Victoria herself, who gave him the title of Companion of the Star of India. His visit convinced him of the British superiority and allowed him to read William Muir's biography of the Prophet Muhammad, which disturbed him deeply, for religious reasons and personal ones, because the Prophet was his ancestor (hence his title Sayyid).

The Life of Mahomet[132], written by Sir William Muir in response to a veteran missionary's request, amplified the thesis that Islam was a backward religion, and was based on information drawn from the study of some Muslim sources, being acclaimed as a great help in the missionary enterprise. In that work, Sir William Muir talked about divorce, poligamy and slavery, and Sayyid Ahmad Khan wrote a refutation with the title ***Essays on the Life of Mohammed and Subjects Subsidiary Thereto***[133], containing twelve essays, an endeavour which forced him to search for materials in the British Museum and in the India Office Library.[134] Ahmad Khan was also able to visit Oxford and Cambridge Universities and some colleges, like Eton and Harrow,

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[131] SIINO, François. 2003. "Sciences, savoirs modernes et évolutions des modèles politiques" in ***Revue des mondes musulmans et de la Méditerranée***, ns. 101-102 (juillet) - *Sciences, savoirs modernes et pouvoirs dans le monde musulman contemporain*. Aix-en-Provence: MMSH-IREMAM, pp. 9-28.

[132] MUIR, William. 1861. ***The life of Mahomet***. London: Smith, Elder, & Co.

[133] KHAN BAHADOR, Syed Ahmed. 1870. ***A series of essays on the life of Mohammed, and subjects subsidiary thereto***. London: Trübner & Co.

[134] RAHMAN, Muda Ismail Ab. 2004. "The Responses of Sayyid Ahmad Khan to William Muir's Works on Islam" in LONG, Ahmad Sunawari, AWANG, Jaffary, and SALLEH, Kamaruddin, ***Islam: Past, Present and Future – International Seminar on Islamic Thoughts Proceedings***, 7-9 December. Bangi: Department of Theology and Philosophy, Faculty of Islamic Sciences, Universiti Kebangsaan Malaysia, pp. 1-6.

which would serve him as models for his Muhammadan Anglo-Oriental College.[135] Back to India in October 1870 and with a new orientation for his ideas and efforts, Ahmad Khan dedicated himself to the social and intellectual regeneration of Indian Muslims.

In 1871 William Hunter published his ***The Indian Musalmans***[136]*,* with the aim of creating a better understanding between rulers and ruled, as a way to safeguard British power in India. Using as a basis the various trials after the Mutiny, he came to the conclusion that there was a causal relation between the Wahhabi activities and the permanent instability in the North-Western Frontier. For him, the movement was well organized and its leaders claimed all the functions of sovereignty over their constituents. The bonds that connected the members of that "secret order" were extraordinarily strong and permanent. The headquarters, in Patna, and the controlling machinery throughout rural areas for the "spreading of insatisfaction, sent a multitude of zealots carefully indoctrinated with treason and equipped with vast literature about the duty to wage war against the British. An uninterrupted flow of money and fiery recruits determined to extirpate the infidel crossed the border."

This picture described by Hunter caused a protest from the part of Sayyid Ahmad Khan, who characterized the book as misleading and historically inaccurate. In a recension to that book, ***The Indian Musalmans***[137]*,* he pointed out many incorrections in the afirmations of Hunter about the Wahhabi precepts, and made a critical history of that movement from 1823 until the publication of that book. For Sayyid Ahmad, the permanent transborder hostility against British rule had nothing to do with Wahhabi fomentations but with the continuing presence in the border of a large, non-loyal and terrified population, Hindu and Muslim alike, who had run away from British territory, after the Mutiny, to escape the wrath of the conqueror. The population sought shelter in the tribes and started a new life in an unknown environment, and there was nothing strange in the fact that those migrants received

[135] LELYVELD, 1982: p. 87.

[136] HUNTER, Sir William Wilson. 1871. ***The Indian Musalmans: Are They Bound in Conscience to Rebel Against the Queen?*** London: Trübner & Co.

[137] KHAN, Sayyid Ahmad. 1872. "Review on Hunter's *Indian Musalmans*" in MOHAMMAD, Shan (ed.). 1972. ***Writings and Speeches of Sir Syed Ahmad Khan***. Bombay: Nachiketa Publications, pp. 65-82.

visitors and money from their families and others in India. Finally, the tribal enmity against authority in the country near the Indus River was something recurrent in Indian history, as illustrated by the expeditions sent in the past by the emperors Akbar (1542-1605), Shah Jahan (1592-1666), and Aurangzeb (1618-1707), all Muslim, and which had failed in their goal of subjugating the insurgents.

For Sayyid Ahmad Khan, Islam's demonization and the distortion of its history in the West were directly responsible for the political adversity to Indian Muslims. For him, a more objective approach to the past would make the West end its strong aversion to Islam and its followers, and would also ensure that even the Muslims rediscovered their own identity and their own ideals. History would be an instrument in the Muslim renaissance and this attitude influenced many like Shibli Nu'mani, Zaka' Allah (1832-1911) and Maulawi Mehdi 'Ali, known as Muhsin al-Mulk (1837-1907), among others.

Ahmad Khan was in the judicial service until his retirement, in 1876, moment from which he established himself at Aligarh and where the Muhammadan Anglo-Oriental College was created in 1875, and which would become, in 1920, the Aligarh Muslim University. In 1886 he established "The Muhammadan Educational Conference", which was held annually in many Indian cities, and the magazine ***Tahdhîb al-Akhlâq (Refinement of Morals - Mohammedan Social Reformer),*** was published with the aim of educating and civilising Indian Muslims, with Ahmad Khan being its principal contributor until the end of the periodical in 1893. The essays written by him examined the foundations of Muslim society as well as its institutions, in the light of Reason and religious sanction. The ***Tahdhîb*** attracted an audience which shared with Sayyid Ahmad the objectives of reform. While on one hand he tried to contain the forces of scepticism and irreligion liberated by Western influences, on the other, he strongly fought the opposition to Western education.

Although he had no expertise in Western sciences or Islamic ones, especially in the study of the ***Qur'an*** or the *Hadith* (something which earned him some criticism from some *'ulama*), Ahmad Khan tried to demythologize the ***Qur'an*** and its teachings. His interpretation of some fundamental aspects of Islamic teachings which could not be demonstrated by modern scientific methods found a strong resistance in

some more traditionalist sectors but, in spite of that, he earned a widening popularity in the elite and, in the early 1880s, he became a very important figure in the Muslim community. Ahmad Khan wanted to reinterpret Islam, defending a modern *'ilm al-Kalam* with the aim of showing that "the Work of God (Nature and its laws) was according to the Word of God (the ***Qur'an***)", something that earned him the epitet of *Naturi*. For that reinterpretation, Ahmad Khan ellaborated a *tafsir* (the interpretation of the ***Qur'an***), which was published at the same time as it was being written. The work started in 1879 and it was completed with the author's death in 1898. This *tafsir* found strong resistance not only from the *'ulama* but also from some his friends and admirers, like Nawab Muhsin al-Mulk, who were uncomfortable with the radical interpretations of some of the ***Qur'an***'s verses. In response, Ahmad Khan wrote a little treatise with the aim of explaining the principles of his *tafsir* which was published in 1892 with the title ***Tahrîr fi'l-asûl al-tafsîr***, where he declared that Nature was the "Work of God" and that the ***Qur'an*** was the "Word of God" and no contradiction could exist between them.[138]

I.4. Sayyid Ahmad Khan and the Caliphate:

Political allegiance to the British

Until the end of his life, Sayyid Ahmad Khan dedicated himself more and more to the Muhammadan Anglo-Oriental College, which produced a unique community of pupils and which, with time, would become the political and educational capital of Muslim India. The sister organization, All-India Mohammadan Educational Conference, founded by Sayyid Ahmad Khan in 1886, became a forum for the discussion of social and educational issues and an important factor in the promotion of Muslim solidarity throughout the sub-continent. Sayyid Ahmad Khan tried to stay away from "political" issues, giving more attention to Education, and his work was mainly educational and reformative. He never considered himself a politician and always tried to forge a political accommodation with the British. At the same time, and due to the fact that Muslims had become a "minority" in the context of

[138] VOLL, 1994: p. 112.

the larger India, some Indian Muslims forged an emotional link with the Ottoman Empire, which also followed the Hanafi School of jurisprudence, and was considered the last symbol of Muslim pride. For Shibli Nu'mani, on an inter-Islamic level, there was a sense of the community of Islam, the universality of the *millat*, which made him take interest in the vicissitudes of the Ottoman Empire.

In a communication addressed to one of his English friends, Sayyid Ahmad Khan said that the religion of Islam, in which he had full and abiding faith, preached radical principles and was opposed to all forms of monarchy, whether hereditary or limited. It approved of the rule of a popularly elected president; it denounced the concentration of capital and insisted upon the division of properties and possessions among legal heirs on the demise of their owners. But the religion which taught him those principles also inculcated certain others: if God willed the subjection of Muslims to another race, which granted them religious freedom, governed them justly, preserved peace, protected their life and belongings, as the British did in India, the Muslims should wish them well and owe allegiance.[139]

In 1878 the Ottoman sultan, Abdul Hamid II (1842-1918), placed a new emphasis on his claims as Caliph to counter, on one hand, the Tsar's invocation of "Orthodoxy and Slavdom" and, on the other, the constant interferences by Britain and France in internal Ottoman affairs, using as an excuse the protection of the Christian population in the Ottoman Empire. This new emphasis raised suspicions on the Muslim subjects who were living under European and Christian colonial and imperial rule, such as in Russia, in France and in Great Britain.[140] Sayyid Ahmad Khan had a special concern with the Indian Muslims and always tried to maintain a loyalty to the British.[141]

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[139] GRAHAM, George Farquhar Irving. 1885. ***The life and work of Syed Ahmed Khan, C.S.I.*** Edinburgh and London: William Blackwood and Sons, p. 188.

[140] For a detailed account on British debates on the Ottoman's right to the Caliphate, and the Arabs' opposition regarding the Sultan's claims, see BUZPINAR, Tufan. 1996. "Opposition to the Ottoman Caliphate in the Early Years of Abdülhamid II: 1877-1882" in ***Die Welt des Islams***, New Ser., V. 36, Issue 1 (Mar.). Leiden: Brill, pp. 59-89.

[141] ARNON, 1982: pp. 464-471; and ESPOSITO, 1999: p. 56.

Despite the fact that, since the 1857 Uprising, India had come under the direct rule of the British Government, there was a considerable section of Indian Muslims who had recognized for some time the Ottoman claim to the universal Islamic caliphate, a recognition which, though religious in nature, was not devoid of political implications. All was well as long as Britain itself pursued a pro-Ottoman policy and even encouraged this attitude among Indian Muslims. But with the manifest shift in British policy, tension began to develop between the two loyalties. For instance, while Ahmad Khan had a political-concrete loyalty to the British, Shibli Nu'mani had a religious-spectral loyalty to the Turkish.[142]

The allegiance of Ahmad Khan to the British is well documented in his views on the Caliphate. For him, the Prophet Muhammad was endowed with three attributes: 1) Prophecy, *i.e.*, the commandments of God were revealed to him, which ended at his death, and no one ever was, or is, or can be, his caliph or deputy, in this sense; 2) Communication, *i.e.*, he communicated or announced to the people what was revealed to him. In this attribute, all the Muslim[143] lawyers, learned men, and men of tradition who inculcated the articles of Muslim faith could be regarded as caliphs or deputies of the Prophet (it was for this reason that some commentators of the ***Qur'an*** included in the words "those who are in authority among you", which occur in the verse "O true believers, obey God, and obey the Apostle and those who are in authority among you" (***Qur'an*** IV, 59), the twelve Imams and the Muslim lawyers); 3) Government of the country, *i.e.*, he ruled the country, enforced the revealed commandments and looked after their proper observance, protected the people of the country and repulsed the enemy by force.

With regard to this last attribute, Ahmad Khan considered that those who possessed and governed a country and had the power to enforce and keep the rules of faith alive and could, through their strength and resources, defend the country against its invaders, could be regarded as Caliphs or deputies of the Prophet, provided that they were gifted with the virtues and manners of the Prophet and followed the dictates of the religion and possessed external and internal holiness. Some commentators had

[142] MURAD, 1996: pp. 89-115.

[143] In the following lines, where Sayyid Ahmad Khan used *Mohammedan*, *Muslim* will be used.

also included in the words "those who are in authority among you" Muslim generals under whom were large multitudes of people.

It was possible, from this point of view, that Muslim sovereigns of a country may regard themselves as Caliphs, but they were Caliphs or Sultans of that country alone which they ruled and of those Muslims only who were their subjects. They were not Caliphs or Sultans of that country or of those Muslims who were neither their subjects nor were governed by them because it was necessary for a Caliph to be the ruler of the country, able to give orders of punishment and retaliation and to enforce them. He should be the defender of the faith and should protect the country and its people from their enemies and maintain peace and order within. So, if a Muslim sovereign did not possess such power and could not exercise such authority in a particular country he could not and should not be called the Caliph over that country or its Muslim inhabitants.

For Ahmad Khan, a Caliph was only the Caliph in that country which he governed, in which he could inflict punishments of death or retaliation and maintain the laws of religion, and only for those Muslims who owed him allegiance. He was not Caliph in that country over which he did not hold the supreme authority and control, in which he could neither give orders for death or retaliation, nor could maintain the faith, nor could protect its Muslim inhabitants. Not fulfilling the conditions necessary for the Caliph, he could not be the Caliph over that country or its Muslim inhabitants. So, for Ahmad Khan, the Muslims of India were the subjects of the British Government, under whose protection they lived, being irrelevant if the Sultan of Turkey was the Caliph or not, due to the fact that he was not a Qureish (from the tribe of the Prophet Muhammad).[144]

The British Government had given to the Indian Muslims peace and allowed them all freedom in religious matters. Although the English rulers professed the faith of Christ, the Government presented no difficulties to a Christian who became a Muslim, as it did not prevent Muslims of becoming Christians. The Christian Missionaries had nothing to do with the Government, as they were wandering about

[144] In this regard, Shibli Nu'mani was also clear concerning the loyalty to the British by Indian Muslims, cf. MURAD, 1996: pp. 89-95 and 112-113.

preaching their religion, much as were hundreds of Muslims delivering public sermons on Islam. If a Muslim became a Christian, there was, on the other hand, always some Christian who converted to Islam. The Muslims who lived as subjects under the protection of the British Government had been given enough liberties in matters of faith, and their lives and property were safe and they enjoyed all the rights concerning matrimony, divorce, inheritance and wills, gifts and endowments which Muslim law allowed them, even when Christian judges had to decide upon them, because Christian judges were obliged to decide according to the law of Islam. So, it was a religious duty for the Indian Muslims to remain faithful to and well-wishers of the British Government and not to do or say anything practically or theoretically inconsistent with their loyalty and goodwill towards that Government. For Ahmad Khan, the Indian Muslims were not the subjects of the Ottoman Sultan Abdul Hamid Khan nor did he possess any authority over them or over their country. No doubt, the Sultan was a Muslim sovereign and consequently they sympathised with him as Muslims, but he was not their Caliph either according to Muslim law or Muslim religion. If he had the rights of a Caliph he had them only in the country and over the people that he was master of.

History had also proved that whenever a Muslim sovereign assumed the title of Caliph his Caliphate extended only to the extent of his dominions and his subjects. A country beyond the range of his government had nothing to do with his Caliphate, Imamate or Sultanate. And there were times when more than one caliph existed. The fact that the Caliph was the guardian of the sacred places of the Holy Ka'aba, Medina and also Jerusalem had nothing to do with his being a Caliph. In short, for Ahmad Khan, no Muslim sovereign was Caliph for those Muslims who did not live in his dominions.[145]

Although Islamic modernists like Jamal al-Din al-Afghani and Sayyid Ahmad Khan shared a modern reformist agenda, they had divergent political orientations and objectives. While Ahmad Khan held a position of political loyalty to the British[146], al-

[145] KHAN, Sayyid Ahmad. Late 19th century. "The views of Sir Syed on the Caliphate" in MOHAMMAD, Shan (ed.). 1972. ***Writings and Speeches of Sir Syed Ahmad Khan***. Bombay: Nachiketa Publications, pp. 255-260.

[146] KHAN, Sayyid Ahmad. 1887. "Speech of Sir Syed Ahmad at Lucknow" and KHAN, Sayyid Ahmad. 1888. "Speech of Sir Syed Ahmad at Meerut".

Afghani was deeply anti-colonial, anti-British and pan-Islamist, violently criticising Ahmad Khan, considering him subservient to the British.[147]

Ahmad Khan was knighted as Knight Commander of the Star of India in 1888 and died in Aligarh in 1898. His work and thought influenced many who would play an important role in the intellectual and political affairs of Muslim India. The implications of the positions taken by Sayyid Ahmad Khan led to a variety of developments, either in opposition or developing his positions further. The work of an associate of Sayyid Ahmad's, Chiragh 'Ali, illustrates the radical potential of the new modernism, as it will be seen, in a more comprehensive way, in the next chapter.

Chiragh 'Ali rejected the whole structure of medieval society as outmoded. He engaged in a vigorous defence of Islam against the criticism of Christian missionaries and other Europeans, but he did it on the basis of an analysis and interpretation of the ***Qur'an*** rather than by defending existing Muslim practices. In that defence, he presented arguments through the vehicle of a rational historical analysis. A modernist adaptation was combined with a rejection of all classical sources of Islamic law and thought except the ***Qur'an*** itself. Positions were supported by a rigorous, if speculative, analysis of the ***Qur'an***, and everything else in the Islamic traditions was viewed in its historical context. It was possible for Chiragh 'Ali, and others like him, to argue that the Prophet Muhammad did not set up a formal legal system and did not require his followers to do so; thus, Muslims were free to develop legal systems that were in accord with the specific conditions of their own times and were not bound by systems developed by Muslims in other times or places, opening the way for a radically modernist form of Islam.

The position of Sayyid Ahmad Khan was not accepted by all of the major Muslim teachers, and the richness of Indian Muslim thought at the end of the nineteenth century and the breadth of the foundations provided by Shah Wali Allah are clearly visible in the variety of the more conservative positions that had emerged by the end of the century. New educational institutions were a leading part of the more traditional revival. In 1867, an Islamic school was established at Deoband by

[147] AHMAD, 1960: pp. 55-78; and AHMAD, Aziz. 1969. "Afg̲h̲ānī's Indian Contacts" in ***Journal of the American Oriental Society***, V. 89, n. 3 (Jul.-Sep.). Ann Ārbor: American Oriental Society, pp. 476-504.

scholars in the tradition of Wali Allah and their goal was to revive a rigorous study of the traditional Islamic disciplines and to provide a link between the Muslim community and its traditional identity. The Deoband School was relatively conservative in accepting the validity of the law schools and rejected compromises with Hindu customs and the adaptationism of Sayyid Ahmad Khan, establishing an international reputation with ties to the *'ulama* of al-Azhar in Egypt.[148]

The more conservative style was also manifested in other important schools. The oldest and most conservative of the major schools was the Farangi Mahal in Lucknow, which maintained a traditional curriculum and was relatively aloof from the arguments of the modernists and active traditionalists. A less conservative school was the *Nadwat al-Ulama*, established in Lucknow in 1894. Its leaders attempted to find a middle path between the modernism of Sayyid Ahmad Khan and the conservativism of Deoband and hoped to provide the training necessary for the *'ulama* to be able to reassert their role as the moral leaders of the Muslim community in India.

In the late 19th century a group known as the *Ahl al-Hadith* also emerged, which built on the tradition of *hadith* study that had been firmly established in India by Shah Wali Allah, emphasising the reliance on the ***Qur'an*** and the *Sunna*. Its members were unwilling to accept the teachings of the medieval scholars as binding unless they were directly based on the fundamental sources of the faith. The vigorous activity within the Indian Muslim community during the 19th century shows the dynamism of Islam in the early modern era. Movements were built on the Islamic foundations of the past but also reacted to the changing modern conditions, and the community was not isolated within the Islamic world. Sayyid Ahmad Khan was aware of the works of Khayr al-Din Pasha in Tunisia, and Chiragh 'Ali read the works of al-Tahtawi in Egypt as well as the writings of Khayr al-Din. The *Ahl al-Hadith* was influenced by nineteenth-century Yemeni scholarship, and virtually all educated Muslims were aware of developments in Egypt and the Ottoman Empire. The second half of the nineteenth century was a time of real Islamic resurgence in India, in

[148] VOLL, 1994: p. 113.

intellectual and religious terms, despite the fact that it took place in the context of foreign politico-military control.[149]

[149] VOLL, 1994: pp. 114-5.

CHAPTER II:

CHIRAGH 'ALI'S CONCEPTION OF STATE

II.1. Bio-bibliography of Chiragh 'Ali

Chiragh 'Ali (1844-1895) was of Kashmiri background and he grew up in North India. After his father's death, at a young age, Chiragh 'Ali's family responsibilities, along with the turbulent events of the 1857 uprising, prevented him from pursuing formal higher education. However, he was able to find work with the colonial regime in various revenue and judicial positions. In 1877, with the recommendation of Sir Sayyid Ahmad Khan, he entered the administration of the *nizam* (ruler) of Hyderabad, where he rose to the position of finance secretary.[150]

Chiragh 'Ali's writings often refuted missionary and Orientalist criticisms of Islam as being hostile to reason and incapable of reform. He argued rather that the Islamic legal system and schools were human institutions capable of modification. His position was that while the ***Qur'an*** taught religious doctrine and rules for morality, it did not support a detailed code of immutable civil law or dictate a specific political system. Chiragh 'Ali was a staunch supporter and associate of Sayyid Ahmad Khan, and the Aligarh movement's most outspoken critic of traditional Islamic scholarship and legal stagnation.

In his English-language writings, such as ***The proposed political, legal, and social reforms in the Ottoman Empire and other Mohammadan States***, which will be analysed in detail below, and in his Urdu articles, many published in Sir Sayyid Ahmad Khan's journal, ***Tahdhîb al-Akhlâq*** (***Refinement of Morals: Mohammedan Social Reformer***), Chiragh 'Ali espoused a variety of modernist positions, including the importance of the education of girls. His arguments on the interpretation of *hadith*

[150] There are very few references regarding Chiragh 'Ali's life. The most detailed description found on his life was WAHIDUR-RAHMAN, A. N. M. 1982. ***The religious thought of Moulvi Chiragh 'Ali*** (M. A. Thesis). Montreal: McGill University, Institute of Islamic Studies, pp. 57-70.

(narratives of the Prophet) and the possibility of *ijtihad* (independent and rational interpretation) drew on the writings of Shah Wali Allah.[151]

Following a similar approach to Sayyid Ahmad Khan's, rationalizing religious dogma and examining the traditional sources of the Islamic law and methods to overcome the rigidity of the traditional theologians, Chiragh 'Ali rejected all classical sources of jurisprudence except the ***Qur'an***, constructing a new basis for the law. "There are", said Chiragh 'Ali, "certain points in which the Muhammadan Common Law is irreconcilable with the modern needs of Islam… and requires modifications. The several chapters of the Common Law, as those on political Institutes, Slavery, Concubinage, Marriage, Divorce, and the Disabilities of non-Moslem fellow-subjects are to be remodeled and re-written in accordance with the strict interpretations of the Quran."[152]

Chiragh 'Ali's modernist exposé was developed in response to critics of Islam, one of whom was the Reverend Malcolm MacColl (1831-1907), a British clergyman and publicist, and a persistent campaigner for the Christian nationalities under Ottoman rule, and a lifelong friend of Gladstone (1809-1898), with whom he developed a political alliance, in opposition with Benjamin Disraeli (1804-1881), who was pro-Ottoman (like Queen Victoria herself).

MacColl began to publish articles in the early 1870s, writing with increasing proficiency. His earliest writings were almost entirely on ecclesiastical and theological matters. He also maintained contact with continental Roman Catholic dissidents such as the Croatian Bishop Josip Juraj Strossmayer (1815-1905), and Dr. Ignaz von Döllinger (1799-1890) in Munich, acting as a discreet intermediary between them and Gladstone, leader of the Liberal Party. Both Strossmayer and Döllinger were strongly interested in the "Eastern Question" and the ending of Turkish rule in the Balkans. This, as well as similar currents of opinion in the Liberal Party, may have been responsible for MacColl's own interest in combating Turkish political power during the last three decades of his life. From 1876 onwards, MacColl

[151] KURZMAN, 2002: p. 277.

[152] ALI, Chiragh. 1883. ***The proposed political, legal, and social reforms in the Ottoman empire and other Mohammadan states***. Bombay: Education Society Press, p. xxvii.

was an active defender of the Christian inhabitants of the Ottoman Empire (which was equated with "Islam"), writing a series of violent attacks on Turkey and its friends in Britain in letters to newspapers, articles in reviews, and publishing several books. In his private letters to Gladstone, after the Bulgarian atrocities of 1876, MacColl urged the Liberal leader to denounce the Ottomans and is perhaps partly responsible for the powerful speeches Gladstone made on the issue in the last months of 1876 and early 1877. MacColl published two major works on this issue himself: ***The Eastern Question: Its Facts and Fallacies***[153] appeared in the spring of 1877 and ran through five editions; and ***Three Years of the Eastern Question***[154] followed, in the early autumn of 1878, immediately after the Congress of Berlin had ended.

In the first years of the twentieth century, MacColl was an active opponent of Muslim spokesmen such as Sayyid Amir 'Ali and the Turkish writer Halil Halid, sometimes admonishing them on doctrinal points of their religion, arguing for instance that the Sultan of Turkey was not the Caliph of all Muslims, and arguing that reforms in Islam were not possible because Islamic states were branches of cosmopolitan theocracy bounded together by a common code of essentially and eternally unchangeable civil and religious rules. MacColl was on close terms with the King of Greece, George I (1845-1913), and leaders of the Armenian movement, and during the Turkish-Greek War of April 1897, he visited Athens to confer with the King, conveying the monarch's private views both to Gladstone and also to the Conservative Prime Minister, Lord Salisbury (1830-1903).[155]

Chiragh 'Ali rejected MacColl's argument by making a distinction between the Muhammadan Revealed Law of the ***Qur'an*** and the Muhammadan Common Law that was developed in the course of Muslim history. Islamic jurisprudence, he argued, was compiled at a very late period and, as such, could not be considered essentially and eternally unchangeable. This distinction between the revealed law and the common law of Islam not only enabled Chiragh 'Ali to refute MacColl's claim on the

[153] MACCOLL, Malcolm. 1877. ***The Eastern Question: its facts and fallacies***. London: Longmans, Green & Co.

[154] MACCOLL, Malcolm. 1878. ***Three years of the Eastern Question***. London: Chatto.

[155] For further details on Malcolm MacColl, see RUSSELL, George William Erskine (ed.). 1914. ***Malcolm MacColl: Memoirs and Correspondence***. London: Smith, Elder & Co.

rigidity of Islam, but also set the theological basis for his reinterpretation of the ***Qur'an*** in terms of the standards of modernity.

For Chiragh 'Ali, "the fact that Muhammad did not compile a law, civil or canonical, for the conduct of the believers, nor did he enjoin them to do so, shows that he left to the believers in general to frame any code, civil or canon law, and to found systems which would harmonize with the times, and suit the political and social changes going on around them".[156] For Chiragh 'Ali, this new basis of Muslim law was rational, dynamic, progressive, and in tune with the standards of the modern civilised world. In terms of such standards Chiragh 'Ali addressed the Orientalists' and the missionaries' criticisms of Islam on the issues of polygamy, *jihad*, religious intolerance, slavery, and concubinage.

Popular *jihad* was a sore point in Muslim-Christian history and a source of often strident Western criticism of Islam. It was claimed that in his zeal to spread Islam, Prophet Muhammad, holding the ***Qur'an*** in one hand and the scimitar in the other, pursued wars of conquest against the Qureish, other Arab tribes, the Jews, and Christians. They further claimed that Islam was an intolerant religion, and Muhammad himself plotted the assassinations of his enemies and was cruel to his prisoners. Chiragh 'Ali's strategy to address these claims was to first analyse the historical context within which Muhammad's alleged actions had taken place. Then, by recourse to international law, religious liberty, and the legitimacy of defending one's freedom – that is, the dominant mores of modern diplomacy – Chiragh 'Ali claimed that Muhammad's conduct was justified, arguing that "neither of the wars of Muhammad were offensive, nor did he in any way use force or compulsion in the matter of belief", for "Muhammad and his followers were severely oppressed at intervals and were under a general persecution in Mecca by the Qureish. Under the natural and international law, Muhammad and his followers had every reason to wage war against their persecutors to obtain their civil rights and religious freedom in their native city."[157]

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[156] ALI, 1883: p. 11.

[157] ALI, Chiragh. 1885. ***A critical exposition of the popular "jihad," showing that all the wars of Mohammad were defensive; and that aggressive war, or compulsory conversion, is not allowed in***

Chiragh ‘Ali dedicates his work ***The proposed political, legal, and social reforms in the Ottoman Empire and other Mohammadan States*** to the Ottoman Sultan Abdul Hamid II. Before analysing it with more detail, and to better understand the context in which that work was written, it is necessary to give attention to what was happening in the Ottoman Empire at this period, a period of profound transformations and reforms, which had begun in 1839 with the *Tanzimat* (Reorganization). It should also be stressed that the fate of the Ottoman Empire and of the Caliphate had a deep impact on the Indian Muslim community and on the thought of Muhammad Iqbal and Mawdudi, as will be seen in following chapters.

II.2. Political and legal reforms in the Ottoman Empire in the first half of the 19th century

The *Tanzimat* era was the second phase of the Ottoman-Turkish modernization, after the “New Order” of Selim III (1761-1808) and Mahmud II (1785-1839). It began with the Royal Decree of Gulhane (Tanzimat Fermani; sometimes called the “Gulhane Charter”) on the 3rd November, 1839, inaugurated by Sultan Abdulmecid I (1823-1861). It included several modernizing reforms, especially in the legal system. A product essentially of the pressures of the European states and the modernist, “enlightened” intellectuals, the decree, which proclaimed the principles of the *Tanzimat*, granted and guaranteed certain rights called “the fundamentals” (*Mevadd-i Esasiye*) such as the guarantee of life, property and honour for all subjects of the Sultan, Muslims and non-Muslims.

Although the decree was aimed at delimiting the realm of the Islamic *Shari’a* and separating the government’s temporal authority from the Caliph’s religious sovereignty, it was filled with Islamic terminology and references to the ***Qur’an*** and the *Sunna*. The very first sentence stated the need for a change in the state institutions, which had been a widespread assumption, and a discursive strategy, in all modernizing reforms since the late 18th century, and justified the reforms with reference to the “blessed *Shari’a*” which had not been obeyed properly, unlike the

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the Koran. Calcutta: Thacker, Spink and Co., pp. I-II.

earlier times when "the orders of the Holy ***Qur'an*** and the rules of the *Shari'a* were observed perfectly." The decree then declared the Sultan's order for issuing a number of "new laws" that would regulate the legal and financial system "relying on the help of the Almighty God and the spirit of the blessed prophet."[158] Also, a Consultative Council prepared a protocol which stated the conditions upon which the *Tanzimat* Decree was built upon, the necessity of a change which was explicitly mentioned in article (a): the old disordered system had to be replaced by new laws, which would be in accordance with the *Shari'a*, and would be based on the inviolability of life, property, and honour as legal fundamentals, applicable to all Muslims and to the peoples of the *millets* (non-Muslim communities). What was implicit, however, was the direction of this change: the change in the legislative system would be towards the "secular" West. The "new laws" mentioned in the text and article (a) of the protocol were the ones that would limit the authority and domain of the Islamic *Shari'a*, as well as that of the Sultan, which would be proven by later developments – *e.g.* the institution of the first-ever constitution and parliament in 1876. That is why the authors of the protocol needed to refer, in the next article, to the *Shari'a* as the source of legitimation, unlike former occasions when the necessity of a law being derived from *Shari'a* had been taken for granted and was not mentioned in the legislative process. This protocol paved the way for the positioning of the *Shari'a* as an object of the discourse of secularization, as a source of legitimacy in law making. However, its objectification would take a different form in later years, and its discursive status as the only source of legitimacy would shift to that of being in need of protection by the political-legal system as well. Thus, the significance of these texts lies in the fact that they involved many Islamic elements on the discursive level and yet signified an important departure from the sovereignty of Islamic law in the current legal system.[159]

A parallel discursive technique, which assumed the backwardness of Islamic society, for which "tradition" was blamed, was also a common pattern among statesmen and intellectuals in the Second Constitutional Period, which started in 1908

[158] An English translation of the original text can be found at http://www.anayasa.gen.tr/gulhane.htm, last accessed 21/02/2012.

[159] I would like to thank Nurullah Ardiç for having shared with me his article, which is one of the main sources for this sub-chapter. For more details, see ARDIÇ, Nurullah. 2010a. "Islam, Modernity and the 1876 Constitution" in HERZOG, Christoph and SHARIF, Malek (eds.). ***The First Ottoman experiment in Democracy***. Würzburg: Ergon, pp. 89-106.

after the Young Turks Revolution. However, actors also always insisted that the "true Islam" that could be found in "sources" (sacred texts and early Islamic history) was not to blame; on the contrary, the solution was deemed to be found in "returning to the sources". It is explicitly mentioned both in the decree and in article (b) of the *Tanzimat* that all new laws should be "in accordance with the *Shari'a*", acknowledging the superiority of Islamic law over the Sultan's (or the government's) will. Moreover, the basis of these proposed new laws as stated in article (c) again was Islamic law. The principles of the "inviolability of life, property, and honour," together with those of "reason" and "generation", constitute what is known as the "five goals of *Shari'a*." According to Islamic *fiqh* (jurisprudence, or positive law), all rules and laws exist ultimately for the purpose of protecting these five elements of human life.

The discourse used in the protocol had an important implication: it proposed to limit the authority of the Caliph-Sultan. The decree, too, which was itself signed by the Sultan, limited his sovereignty, making him an executive, bound to laws made by others: the councils of deliberation. Indeed, the sources of legislation would become these councils whose members would increasingly consist of high-ranking staff officers who had a Western-style education. Moreover, it is very significant that although the decree acknowledges the *Shari'a*, and although it obviously concerns it, the proclamation of the decree was unusually not accompanied by a *fatwa* (a formal legal opinion) by the Sheikh-ul-Islam (the Caliph's chief religious deputy), indicating a decline in the Sheikh-ul-Islam's power. In traditional practices of passing a law or issuing a decree, a *fatwa* had been considered a must in order to provide a practice with legitimacy. Thus, the lack of *fatwa* – as a discursive practice itself – signifies the first formal breach between "the temporal" and "the religious" in legislation. This is highly significant especially when we consider the fact that even as late as 1922, almost a century later, Mustafa Kemal and his allies needed a *fatwa* by the chief Mufti when they decided to abolish the Ottoman monarchy.

A similar phenomenon can be observed in the Reform Edict (*Islahat Fermani*), which was proclaimed on the 18th February, 1856.[160] Again, as a result of

[160] An English translation of the original text can be found at http://www.anayasa.gen.tr/reform.htm, last accessed 21/02/2012.

the pressures by European countries to further extend the privileges of Christians living in the Ottoman Empire, important privileges were granted to the non-Muslim subjects of the Empire. This meant the creation of a whole new institution, the modern citizenship, and a further step towards the formation of a modern state. The edict included the reaffirmation of older rights and privileges as well as additional rights such as the guarantee of equal treatment of non-Muslims in matters of education, military service, administration of justice, taxation, and the appointments to governmental posts; the right of foreigners to own property; the reform of the judicial tribunals and penal and commercial codes; and the representation of religious communities in the Supreme Council. The edict described the non-Muslim subjects of the Empire as "the *emanet* (*on hold*) trusted by Almighty God," and granted equality for all subjects "who are related to each other with the sincere bonds of citizenship." There was, however, much less reference to the Islamic *Shari'a* in the edict compared to the Tanzimat Decree. Instead the edict extensively employed another discourse: that of "catching up with contemporary civilization". The edict granted privileges to non-Muslims with reference to the principle of freedom of conscience. As a justification of the proposed regulations, it stated the necessity "to improve the conditions [of the citizens] in accordance with the glory of our Sublime State and the eminent place it holds among the civilized nations." Therefore, the edict implied political, legal, moral, religious, educational, and economic reforms in which such notions as equality, freedom, material progress, and rationalism formed the "background."

It can be observable, in these two reform projects, an attempt to separate religious and temporal authority, and delimit both the sovereignty of the Sultan and the authority of the *Shari'a*, made possible by the use of a discourse of "renewing the old institutions". This argument, based on the inadequacy of the old institutions, including laws, and on the need to replace them, with new ones, would be repeated time and again in the later reforms that would embody and reproduce the ideology of secularism. Supported by the two reforms, the political and economic developments which brought the Ottoman State closer to Europe in that era paved the way for the first-ever constitution in Turkish history.

II.3. Political and legal reforms in the Ottoman Empire in the second half of the 19th century: the 1876 Constitution and Parliament

Under the Sultan Abdul Hamid II, Khayr al-Din Pasha al-Tunisi (c. 1822-1890)[161] was made prime-minister. He was in favour of a constitutional system, according to the political thinking of the period, in which the *'ulama* and the notables would have a special place. The impact of these changes was felt in the political-ideological field. The process of integration, which began originally as a drive towards administrative centralization, was broadened and became concerned with the basic question of political loyalty. The idea of equal citizenship, known usually as Ottomanism, was a mere legal device through which the government wanted to supersede the ethnic and religious loyalties of the various minority groups. These attempts towards integration failed in as far as most of the Christian subjects were concerned, for the idea lacked the emotional appeal held by their own brand of nationalism. But the Muslim-Turkish intellectuals, whose number began to increase rapidly after the middle of the nineteenth century, seized upon Ottomanism as a nationalist ideology of their own, and defined its content according to their own cultural-social background and interpretation of history. Nationality began to transform itself into nationalism.

Among the Muslim interpreters of the new order, the Young Ottomans were an important movement and among them three intellectuals stood up: Ibrahim Sinasi (1826-71), Ziya Pasha (1825-80), and Namik Kemal (1840-88), who attempted to develop a broad theoretical justification and an ideology for the emerging centralized modern institutions in terms of Islamic political tradition and Ottoman principles of government. Their ideas centred essentially on the restructuring of state institutions, while Muslim reformists, such as Jamal ad-Din al-Afghani, and especially Muhammad Abduh, were concerned, on the philosophical level, primarily with the reform of Islam. Even the Pan-Islamism of Afghani, and Abduh's limited political activity among Egyptian nationalists directed against the expansionist policy of the

[161] See footnote 89.

West, differed from the endeavours of Namik Kemal and Ziya Pasha, who aimed at institutional adaptation and political socialization rather than religious reform.[162]

Ibrahim Sinasi, Ziya Pasha, and Namik Kemal had been educated in government schools and occupied government positions most of their adult lives. They were essentially the agents of emerging centralized bureaucratic structure, despite their disputes with the sultan, arising primarily from the need to re-define the functions and powers of the throne. Their ideas may be divided into several categories and, regarding the political one, it can be identified the one concerned with the introduction of a constitutional order and of representative institutions designed largely to create a division of functions within the ruling institution. Representation was justified on the basis of the Islamic principles of *meshveret* and *Shura* (consultation and assembly), rather than on that of representation of groups and their interests. The intellectuals' aim was to correct the errors of the *Tanzimat* reforms, and put an end to the cultural dichotomy which supposedly had resulted from a misunderstanding of the philosophical, ethical and social foundations of the empire, and from the use of state power to impose an alien cultural system upon society.

The Young Ottomans were also considered "liberal" in the sense that they criticized the absolute powers acquired by the sultan and his bureaucracy through centralization, and its use to destroy the existing system of culture. Criticism of the sultan also resulted from the incompatibility of autocracy with a rational, creative life. Another category of ideas of the Young Ottomans constituted the political culture of the emerging "modern" Ottoman state or of the administrative unit in which changes occurred. The basic goal was the creation of a new identity for Ottoman subjects and loyalty to its government. The new concept of the *Vatan* (in Arabic *watan*, fatherland) aimed the creation of a new form of identity to supersede religious, ethnic, and local divisions. The recognition of Ottoman citizenship for all inhabitants regardless of religion, the abolition of the *millets*, and the introduction of the general military service (which had been, in practice, limited to Turks) prepared the ground for the successful dissemination of the new political culture. Yet, loyalty and identity were basically matters of inner commitment, which could not be achieved without an

[162] KARPAT, Kemal H. 1972. "The Transformation of the Ottoman State, 1789-1908" in ***International Journal of Middle East Studies***, V. 3, n. 3 (Jul.). Cambridge: Cambridge University Press, pp. 261-262.

emotional experience capable of linking one's values to the new political entity, the modern state.[163]

The ideology of Namik Kemal revolved almost exclusively around the emerging idea of fatherland, the territorial state to which many of the attachments felt towards the *umma* (community) were transferred. But this call to nationalism was devised in accordance with the Western approach, concept and usages of ideology, except that he substituted Islamic values for Christian ones. Ideology in the modern sense as a means of mass mobilization and identification found its way into the Muslim-Turkish political ethos. Namik Kemal's ideology, thus rooted in Islam, could hardly appeal to the Christian groups which were striving to establish their own national fatherlands. Nor could the emerging political culture, centred on the bureaucracy-intelligentsia, fully satisfy the practical demands of the notables and propertied groups which demanded a controlled, responsible, and professionally competent administration, and continued to view with suspicion the *élite*'s power motives.

Nevertheless, the Young Ottomans played a vital role in introducing some general notions of pre-modern political culture and in paving the way for the constitutional experiment of 1876-7. They could not, however, provide lasting solutions to the smouldering conflict between the rising propertied middle classes and their own statist, bureaucracy-intelligentsia. This conflict was born of economic and social differences that could not easily be superseded by a unity of culture. The propertied groups lacked the organization to articulate and express their own viewpoints, but the conflict was there, coming into the open during the first constitutional parliamentary experiment in 1876-8.[164]

The young Sultan Abdul Hamid II came to power in 1876 by means of a deal made with the Young Ottomans, promising them a transition to the constitutional system. This would also be a proper response to the European powers, including Russia, that were pressuring Istanbul for further economic and political reforms, reforms that would open the Ottoman borders to European capitalists and further

[163] KARPAT, 1972: pp. 262-264.

[164] KARPAT, 1972: pp. 264-266.

expand the rights of non-Muslim Ottomans. The proclamation of the first constitution (*Kanun-i Esasi*)[165] and the institution of the first General Assembly (*Meclis-i Mebusan*) in 1876, which marked the beginning of the First Constitutional (*Meşrutiyet*) era, were important cornerstones on the way to the secularization of the Ottoman State. They signified a radical, even though partial, change in the foundation of the State's sovereignty by assigning "the people" part of the basis for its legitimation and thereby limiting the domain of the monarchy. In his royal decree, the Sultan defined the purposes of the new general assembly: to guarantee the complete enforcement of the laws; to make them in accordance with the *Shari'a* and the real and legitimate needs of the country and the people; to supervise the balance of revenues and expenditures of the state.

From the late 17th century on, all social, political and legal changes had been justified with reference to the *Shari'a*. The theme of the congruence of the new laws with the *Shari'a* had already been maintained in the *Tanzimat* decree. Here, too, there is a clear reference as a complementary discursive technique to the "implementation of the rules of the *Shari'a* in a more efficient way" in the institution of the new Parliament, which constituted another step in the formation of a modern state. Moreover, Abdul Hamid II, the sultan who signed the decree, was not sympathetic to the "Westernizers" (Young Ottomans) and secular reforms; on the contrary, he pursued a Pan-Islamist policy during his sultanate. However, due to the delicate balance of power relations with the European states and the Young Ottomans, he had to cooperate with them in instituting the Assembly and proclaiming the Constitution in 1876, which he later suspended in 1878. The significance of this lies in the fact that, not only the reformers but also the anti-Westernists (conservatives), resorted to the same discourse of serving Islam when attempting to modernize the political system.

After the Sultan's decree, the issue was brought to the Council of Ministers and then to a larger convention with approximately two hundred persons, including ministers and the dignitaries of the civil, military, and *'ulama* ranks, discussed the institution of a parliament. Despite the opposition by the majority of the *'ulama*, and

[165] An English translation of the original text can be found at http://www.anayasa.gen.tr/1876constitution.htm, last accessed 21/02/2012.

the accusation that Midhat Pasha (1822-1884), the Grand Vizier and a leading figure among the Young Ottomans, known as the "Father of the Constitution," behaved in an un-Islamic way by letting the "infidel" (non-Muslim) deputies into the Parliament, he succeeded in winning over the *'ulama*, with the help of some of its members, the Constitutionalist ones who justified the idea of a parliament with reference to the ***Qur'an***. Among them, for example, Chief Justice Seyfeddin Efendi played an important role, explaining at length, "by *akli* [rational] and *nakli* [textual] evidences," that *meşveret* [consultation, which he interpreted as "Parliament"] was "perfectly in accordance with Islam", and an interpretation which was in accordance with the way the constitutionalists saw it. In fact, this is another example of a situation where modernists apply the strategy of deriving justification for a reform (here, for a constitutional government) from the ***Qur'an***, by employing different discursive techniques including dissecting the sacred texts, abstracting verses, sentences, or even phrases from their context, and applying these to the solution of an emerging problem in terms of the lexicographical meaning of the selected phrases. Moreover, Islam (or the ***Qur'an***) still preserves its "object position" as being the primary source of legitimation for a constitutional change. However, the verses cited by the speaker were transformed through a brand new and, given the centuries-long tradition of *tafsir* (the interpretation of the ***Qur'an***) in Islam, unusual interpretation. The interpretation of the Qur'anic verses in unusual ways became a very common discursive technique, especially after 1908, in accordance with the pace of modernization in Turkey.[166]

On the other hand, the fact that a member of the *'ulama*, albeit a supporter of the Constitutionalists, referred to the authority of the ***Qur'an*** and *hadiths* to prove the compatibility of a Western institution with Islam indicates again that important changes in the way of modernization were often realized in both discursive and political spheres by resorting to Islam itself. In other words, the recurrent theme of the congruence of a reform with Islam appears again, however with a different technique. Although he encountered great opposition, Seyfeddin successfully integrated the Islamic elements, which were supposed to belong to a different, even an opposite, field of statements, into a discourse that he deliberately employed to make his case in

[166] For further details see ARDIÇ, Nurullah. 2009. ***Islam and the Politics of Secularism: The Abolition of the Caliphate (1908-1924)*** (Ph.D. dissertation). University of California, Los Angeles: Center for Near Eastern Studies.

the debates over the institution of the Parliament, lending a life-saving support to Midhat and the Constitutionalists.

The *Kanun-i Esasi* [Basic Law], of 1876, the first-ever constitution in Turkish history, included one hundred and nineteen articles and was more developed than the next one (1921), which was prepared in the midst of war. The main discursive strategy employed in the former constitution was the inseparability of Islam and the Caliph-Sultan, and many of the articles contained in it expressed different techniques comprising this main strategy. For example, the *Kanun-i Esasi* maintained first and foremost that both the sultanate and the caliphate belonged to the Ottoman dynasty (Ar. 3), and that the Sultan was the protector of Islam and the ruler of the subjects of the Ottoman Empire (Ar. 4). The Constitution also glorified the Sultan maintaining that "the blessed Sultan himself is sacred and unaccountable" (Ar. 5). However, because Abdul Hamid II abolished the Constitution in 1878 and set himself as the absolute ruler until 1908, the Constitution would later be amended by the ruling Committee of the Union and Progress (C.U.P.) in 1909 by adding a new sentence to Ar. 3 requiring an oath by the Sultan to be loyal to the "blessed *Shari'a* and the rules of the Basic Law [the Constitution]."[167] Also, the Sultan's authority to abolish the Parliament (Ar. 73) was abrogated later in 1914.

Thus, the absolute ruler's authority was gradually limited through modifications in the articles of the Constitution. In accordance with the earlier pattern, this was done by applying the same discursive strategy, "by reference to the *Shari'a*", as is evident in the requirement of the oath which would also be in the name of God. Taking an oath in the name of God, which was required of both the Sultan and deputies, also found in the following two constitutions (1921 and 1924) was a discursive practice that functioned as part of the larger strategy to derive justification for a modern institution (the Parliament) from Islam. Moreover, the original version of the Constitution itself limited the authority of the Sultan and the *Shari'a*. For instance, the principle of the separation of powers was adopted, and separate sections were devoted to the executive branch, instituting a modern government with a prime minister, ministries and a cabinet (Ar. 27-38); to the legislation (Ar. 42-80) restraining

[167] An English translation of the original text can be found at http://www.anayasa.gen.tr/1909amendment.htm, last accessed 21/02/2012.

the power of the Caliph-Sultan; and to the jurisdiction (Ar. 81-91), which involved a bifurcation in the legal system separating the religious courts (*Mehakim-i Şer'iyye*) from the administrative ones (*Mehakim-i Nizamiyye*). The bifurcation was also maintained in the education system, which involved both religious (*medreses*) and "secular" ones (*mektebs*) in higher education. The adoption of the modern principle of the separation of powers was another important element of a modern state.

The Constitution also maintained that the official language of the State was Turkish (Ar. 18), and the state religion was Islam, but that all other beliefs and religions could also be freely practiced (Ar. 11). Furthermore, it was stated that "all subjects of the State have personal freedom" (Ar. 9), which included, in accordance with the regulations in the earlier Reforms, the non-Muslims living in the Ottoman territory who were granted, together with Muslims, other rights such as equality before the law (Ar. 17) and equality in public employment (Ar. 19). All these regulations meant the "constitutionalization" of citizenship, as anticipated in the earlier Reform Decrees, making the inhabitants of the Empire both "subjects" of the Sultan and "citizens" of the state, another indication of the hybridism of the Ottoman (traditional and legal-rational) political system.

Finally, the granting of freedom of the press (Ar. 12) also contributed to the modernization as both secular and religious ideas gained a ready soil for dissemination, and to the limitation of the Sultan's sovereignty, especially considering the fact that the press was the main basis of the opposition and the basic tool that disseminated the revolutionary ideas towards 1908. That is why Abdul Hamid II, after abolishing the Parliament, censored the press and exiled the opposition leaders, who were also the publishers of various newspapers, particularly in France and Macedonia. That is also why, after the 1908 Young Turk revolution, the phrase "with no censorship" was added to the same article, though later (after 1913) the press would be censored by the new rulers.[168]

The Constitution was intended, as far its timing and foreign policy goals were concerned, to upset the Russian efforts to intervene, with Western approval, in order to "liberalize" the Ottoman regime. From a functional viewpoint, however, it

[168] For more details, see ARDIÇ, 2010a.

appeared as a rational measure designed to achieve essentially the integrative political roles performed by parliaments in the West. The need and place for a parliament were determined not by culture but by the functional necessities stemming from a diversified social structure and a differentiated political system. The debates inevitably led to demands for subjecting the executive to the control of the elected representatives of the people and to legitimize power according to the peoples' will, since the "state's existence depended on the people's acceptance". This issue came into the open on the question of whether a law approved by the Parliament could be amended by the Council of Ministers. The House of Deputies eventually inserted in the reply to a sultan's speech a critical remark censuring the poor administrative performance of the ministers who supposedly contributed to the Ottoman defeat in the war with Russia in 1877. The clash between the legislature and the executive culminated in a dramatic confrontation between the sultan and the superintendent of a guild, Ahmet Efendi, who told the sultan that he, the ruler, was the cause of the country's misfortune, and that the deputies would never accept responsibility for a situation arising outside their knowledge. The sultan eventually dismissed the House of Deputies, thus ending the first ottoman parliamentary experiment in 1878.

The constitution of 1876 endeavoured to institute a constitutional monarchy in order to limit the sultan's powers and, thus, preserve and consolidate the division of labour among the three classical branches of government. The Constitution created the legislature and defined its functions according to Western models, though its relation to the executive was justified in terms of the *shura* (council) and *meshveret* (consultation), both of which came from Islam. At the same time the Constitution recognised the sultan as the head of the Executive and gave him extensive powers in the appointment and dismissal of ministers. But the deputies, as mentioned previously, soon began to demand control over the Executive, since they were the "people's representatives". The early Ottoman reformers, relatively free of direct foreign intervention, and not faced with complex problems, had followed the functionalist logic in making the Grand Vizier a *Bashvekil* (prime minister), who, in turn, developed his own administrative apparatus. This trend emerged clearly after the destruction of the Janissaries[169] in 1826, that is, after the major threat to reforms had

[169] Infantry units which formed the Ottoman's sultan's household troops and bodyguards and who with

been removed. The great prime ministers, known also as reformers, despite their different philosophies, such as Reshit, 'Ali, Fuad and Midhat Pashas, emerged in 1839-76. But from 1876 onwards, almost to the end of the Ottoman Empire, there were no prime ministers comparable in stature to them. Sultan Abdul Hamid II acquired effective control of the Executive and used the prime minister as a mere executive agent.

The effort to consolidate the power of the throne began actually under Sultan Abdul Aziz (1830-1876) in 1870. It was Abdul Hamid II who increased the throne's power and transformed the sultan from a supreme executive organ, as he was regarded throughout the Ottoman Empire, into an autocratic semi-deity as Caliph, and who sought to legitimise his powers through a reinterpretation and "perversion" of Ottoman Islamic political theory. Abdul Hamid II's autocracy was different from Mahmud II's strong rule. Indeed, Mahmud II followed the old Ottoman tradition of *hokum* (law) and *örf* (mores); that is, he relied upon the Executive absolute prerogative to use whatever authority was necessary in order to enforce government functions. Mahumd II did not attempt to legitimize his power by reinterpreting Islamic law, but relied on political practices. He referred to some old political traditions in an effort to show that he was acting in accordance with the traditional separation of powers that had been implemented by the Ottoman government. He claimed that this was in conformity with Islam. Abdul Hamid II broke away from an essentially secular political tradition by generalising the rule of Islam in government affairs.

Much of Abdul Hamid's policy stemmed from his own personality, the dictates of outside events, from the alienation of the intelligentsia, and changes in the demographic cultural composition of the empire. Aware that the fate of all sultans since Selim III (1761-1808) had been decided first by the Janissaries and the *'ulama*, and then by the court officials, he developed a morbid fear of plots. Eventually, he won the *'ulama* to his side and succeeded in controlling the bureaucracy. A series of internal and external developments also helped consolidate the throne's position. The rapid change in native customs and way of life and the diversification and secularization of intellectual pursuits brought about a crisis of identity. Foreign

time acquired great power and influence, menacing the sultan's authority.

interference, coupled with the religious motives which stood behind the "reformist" urges of the British ambassador to the Ottoman Empire, Stratford Canning (1786-1880), which were denounced by Ottoman intellectuals who attacked the era of "liberalism" under Abdulmecit (1823-1861) and Abdul Aziz (1830-1876), appeared as immediate threats to society's cultural survival. The throne therefore appeared not only as the repository of all ancient values, but also as the agency most capable of defending and preserving them. Abdul Hamid's pious nature, ascetic habits, frugal life and occasional resistance to outside demands seems to have enhanced his stature among the religious-minded, as well as the traditionalists. His efforts to reassert the identity of society, though more in religious rather than political secular terms, struck a nationalist cord, even among the most progressive thinkers.[170]

Unlike the previous sultans, Abdul Hamid II had a rather simple but ideological interpretation of reforms, civilization, and East and West. First, he seemed to believe that human nature rather than reason dictated man's attitudes, that the emotional life of Westerners was determined by national attachments, while the dominant force among Easterners was religious instinct, that much of the essence of contemporary civilization was rooted in the basic Islam, that this Islam was the product of Arab genius, which built a socio-political system around the religious instinct, and that materialism, naturalism and secularism (*maddiyyun*, *tabiyyun*, *dahriyyun*) were interrelated enemies of religion. Actually, as may be noted, this chain of thought was not a defence of Islam or of the basic tenets of religion. It was a reassertion of the Islamic identity and of piety as strongholds of resistance to the onslaught of change. This was also a response to the changing conditions in the Ottoman Empire and in the Islamic world in general.

The war of 1877 with Russia, and the treaties of San Stefano and Berlin of 1878-9, resulted in the loss of vital territories south and southeast of the Danube and the Caucasus, which were populated by large numbers of Muslim-Turkish people. In the following decades the empire lost additional European territories and witnessed the migration of additional thousands of Muslim-Turks into Thrace and Anatolia. Consequently, the empire's Christian-Muslim balance disappeared, and the Muslim element acquired an overwhelming majority in the remaining areas. The idea of a

[170] KARPAT, 1972: pp. 267-272.

multinational state based on common citizenship lost its practical importance since the Ottoman state became predominantly inhabitated by Muslims, and, aside from Iran, it became the only remaining major independent Muslim state in the world.

The future seemed to lay in capitalizing on the Muslim features of the empire in order to rally all the faithful, first, in order to assure the empire's survival, and secondly, to start the movement of Muslim liberation from European rule as advocated by Jamal al-Din al-Afghani who, forced to leave the country in 1871, was invited back and greatly honoured in 1894-7. Hence Abdul Hamid's efforts to revitalise the Caliphate and use it as the rallying symbol of Pan-Islamism. At this stage it seemed as though the empire could preserve its integrity only by consolidating the unity of its Muslim subjects. The strong emphasis on the Arab character of Islam and on the sultans' position as caliph, therefore, had the practical aim of preserving the Arab's loyalty and of neutralising further the relatively feeble nationalist, separatist endeavours of the Christian Arabs. Indeed, the Arab-Muslim Middle East loomed as the major area of strength capable of assuring the empire's survival. On the other hand, the nationalist awakening among Muslims in India and their warm affection for the Caliphate gave additional impetus to the metamorphosis of the throne into a symbolic religious institution. Thus, in the hour of its greatest weakness, the Ottoman state was called to undertake the liberation of Muslims on behalf of the universal ideas of Islam, while the very Muslims demanding liberation were actually seeking to materialise the tenets of their particular brand of nationalism.[171]

II.4. Analysis of *The proposed political, legal, and social reforms in the Ottoman empire and other Mohammadan states*

Originally published in 1883, seven years after the first Ottoman Constitution and five years after its suspension in 1878, this work by Chiragh 'Ali is divided in three parts: "Introduction"; "Legal and Political Reforms"; and, finally, "Social Reforms". In accordance with the scope of this research, only the "Introduction" and the "Legal and Political Reforms" will be analysed with more detail. The part on

[171] KARPAT, 1972: pp. 272-273.

"Social Reforms" deals with questions like "Position of Women" (pp. 112-127), "Polygamy" (pp. 128-129), "Divorce" (pp. 130-144), "Slavery" (145-174) and "Concubinage" (175-183).

In the "Introduction" (pp. i-xl), the author starts by explaining that his book had been written to respond to the Reverend Malcolm MacColl and his article "Are reforms possible under mussulman rule?" published in the ***Contemporary Review*** of August 1881. It was also being published for the information of those European and Anglo-Indian writers who were suffering under the "delusion" that Islam was incapable of any political, legal or social reforms.

Chiragh 'Ali expresses his surprise towards the ill-information of English writers on a topic of vital interest to England, for "[t]he British Empire is the greatest Mohammadan Power in the world, *i.e.*, the Queen of England, as Empress of India, rules over more Mohammadans than any sovereign, not excepting His Imperial Majesty the Sultan of Turkey"[172], and argues that "the ideas that Islam is essentially rigid and inaccessible to change, that its laws, religious, political and social, are based on a set of specific precepts which can neither be added to, nor taken from, nor modified to suit to altered circumstances; that its political system is theocratic, and that in short the Islamitic code of law is unalterable and unchangeable, have taken a firm hold of the European mind, which is never at any trouble to be enlightened on the subject. The writers of Europe do not deeply search the foundations of Islam, in consequence of which their knowledge is not only superficial in the highest degree, but is often based on unreliable sources."[173]

Chiragh 'Ali defends that Islam is capable of moral and social progress and he tries to show, with this book, that the "Mohammadanism" taught by the Prophet Muhammad possessed sufficient elasticity to enable it to adapt itself to the social and political revolutions going on around it, making a distinction between the "Mohammadan Common Law", or *Shari'a*, and the ***Qur'an***. While the first one was

[172] Muhammad Iqbal would say at the beginning of the 20th century that the British Empire was a civilizational factor in the Islamic world: "It is not the number of Muhammadans which it protects, but the spirit of the British Empire, that makes it the greatest Muhammadan Empire in the world." See chapter III below.

[173] ALI, 1883: pp. i-ii.

by no means unchangeable or unalterable, only the ***Qur'an*** was the "Law of Mohammad", or Islam. According to Chiragh 'Ali, Muslim Law was Republican in character and the "Mohammadan States" were not theocratic in their system of government: being based on the principles of democracy, "Mohammadan Law" was on that account a great check on Muslim tyrants.[174]

Using History, Chiragh 'Ali considers that the first caliphs were republican in all their features (comparing them to the Dictators of the Ancient Republic of Rome), with each successor chosen among the people by common consent, and, contrary to what MacColl had written in the ***Contemporary Review,*** in an article published in November 1876, the government of Turkey did not and could not claim or profess to be theocratic. To support his assertion Chiragh 'Ali quotes Sir Henry Elliot, the British Ambassador at Constantinople, who had written that there was a concern in proving that the government of the Ottoman Empire was "*properly democratic*".[175]

Chiragh 'Ali, then, elaborates about the several schools of "Mohammadan jurisprudence" (*madhabs*), or "churches" as he also calls them[176], which were developed in accordance with the social and political changes going on around the

[174] Machiavelli, in his ***Discorsi*****,** affirms that liberty is possible only under a *repubblica*. But he also affirms that Rome lived *in libertà* under her early kings. Since it is a commonplace to say that *republic* and *monarchy* are incompatible, historians have tended to reply that Machiavelli seemed to be confused. As Quentin Skinner writes, before endorsing such a conclusion, social scientists and historians ought first to consider the full range of contexts in which the term *repubblica* occurs. For Machiavelli the term could be used to denote any form of government under which the laws may be said to foster the common good. It follows that for Machiavelli the question of whether a monarchy could be a *repubblica* was not an empty paradox, as it would be for us, but a deep question of statecraft. The question was whether kings could ever be relied upon to pass only such laws as would serve the common good, giving us an alternative reading: Machiavelli is telling us that, under Romulus and his successors, the laws of Rome served the common good, so that the government, although monarchical in form, was an instance of a *repubblica.* Since this has the effect of resolving the contradiction, Skinner suggests that this is also the interpretation we ought to prefer, and which I am using for Chiragh 'Ali's conception of Republic. For further details, see SKINNER, Quentin. 2002. "Interpretation, rationality and truth" in ***Visions of Politics. Volume 1: Regarding Method***. Cambridge: Cambridge University Press, pp. 55-56.

[175] Italics in the original. ALI, 1883: p. iii.

[176] This example shows that Chiragh 'Ali made an effort to use the language of European readers and European political concepts, so that he could be understood. With the equation *State* equals *Politics* and *Church* equals *Religion*, and with secularism and *laïcité* as main ideological features of late 19th century in Western Europe, with their *separation* of *State and Church*, *Politics and Religion*, Chiragh 'Ali tries to explain to his readers that, in Islam, *Politics* and *Religion* are separated. Although Islam does not have a *Church*, which is also a political institution, that equation would be maintained until today, as if the *State* were the only *locus* for *Politics* and as if the *Church* were the only *locus* for *Religion*.

Muslim world, with a view of adapting the law still further to the progressive needs and altered circumstances of the Muslims. However, not one of those schools was final and "they were merely halting stages in the march of Mohammadan legislation." As throughout History changing conditions required a change in the laws, the change in modern circumstances required a change in the law. For him, legislation was an experimental and inductive science, not logical and deductive. "The differences of climate, character, or history must be observed; the wants and wishes of men, their social and political circumstances must be taken into consideration, as it was done in the various stages of the first days of the growing Moslem Empire", as had done the four founders of the *madhabs* (Hanafi, Maliki, Shafi'i, and Hanbali) and whose principles could not be binding either on the Muslims of India or Turkey, because they were local in their specific applications.[177]

Then, Chiragh 'Ali refutes the opinion of the Reverend Edward Sell, Fellow of the University of Madras, who had written in 1880, in his book ***The faith of Islam***[178], that the orthodox belief was that since the time of the four Imams there had been no *Mujtahid* (those who do *Ijtihad*) who could do as they did, and if circumstances should arise which absolutely required some decision to be arrived at, it must be given in full accordance with the *madhab* to which the person framing the decision belonged, situation which prevented all change, and, by excluding innovation, kept Islam stationary. For Chiragh 'Ali, changes were not prevented and there was no legal or religious authority for such an orthodox belief, "or rather misbelieve", nor could it be binding on Muslims in general: "In the first place the founders of the four schools of jurisprudence never claimed any authority for their system or legal decisions, as being final. [...] They were very far from imposing their analogical deductions or private judgments on their contemporaries, much less of making their system binding on the future generation of the wide-spreading Moslem Empire. In the second place none of the Mujtahids or Mohaddises would accord such a high position to any of the four Imams or doctors of jurisprudence." So, the Mokallids, those who followed blindly any of the four doctors were wrong, and the characteristics of each of the four

[177] ALI, 1883: pp. iv-v.

[178] SELL, Edward. 1880. ***The faith of Islam***. London/Madras: Trübner & Co./Addison & Co.

orthodox schools showed that they were never intended to be either divine or finite.[179] Every system was progressive, incomplete, changeable and undergoing alterations and improvements and, consequently, the legislation of the "Mohammadan Common Law" was changeable and progressive.[180]

II.4.1. Sources of Law

For Chiragh 'Ali, the sources for that Law, civil and canonical, were three: 1) the ***Qur'an***; 2) the traditions from the Prophet and his Companions (*Sunna* and *Hadith*); and 3) the unanimous consent (*ijma*) of the learned Muslims on a point of the civil or canon law not to be found in the two preceding sources. He also adds a fourth one, *Qiyas*, analogy of the process of reasoning by which a rule of law was established from any of the three elements.

Explaining with more detail each one of them, Chiragh 'Ali starts by saying that the ***Qur'an***, the "Mohammadan Revealed Law", did not profess to teach a social and political law, nor to give particular and detailed instructions in the Civil Law or to lay down general principles of jurisprudence. The more important civil and political institutions of the "Mohammadan Common Law" based on the ***Qur'an*** were bare inferences and deductions from a single word or an isolated sentence. In short, the ***Qur'an*** was not a civil or political code nor did it interfere in political questions or lay down specific rules of conduct in the Civil Law. What it taught was a revelation of certain doctrines of religion and certain general rules of morality. The Muslims had applied its precepts to the institutions of their daily life as the Christians had done with the Bible, and as in Christendom Theology had been separated from Morals and Politics recently, late 17th century, middle of the 18th, the "enlightened Mohammadans" of Turkey and India were also trying to do the same in that century, *i.e.*, the 19th, something which would not affect their religion.[181]

[179] ALI, 1883: p. viii.

[180] ALI, 1883: pp. xii-xiii.

[181] ALI, 1883: pp. xiv-xviii.

In what refers to the *Sunna* and *Hadith,* there were many traditions from the Prophet, his Companions and successors, on the various subjects of the social, political, civil, and criminal law incorporated in the Muslim law-books, and at a certain point "the vast flood of traditions soon formed a chaotic sea. Truth and error, fact and fable, mingled together in an undistinguishable confusion. Every religious, social, and political system was defended, when necessary, to please a Khalif [Caliph] or an Ameer [Amir, Prince] to serve his purpose, by an appeal to some oral traditions. [...] It was too late when the loose and fabricated traditions had been indiscriminately mixed up with genuine traditions, that the private and individual zeal began to sift the mass of cumbrous traditions. The six standard collections of traditions were compiled in the third century of the Mohammadan era, but the sifting was not based on any critical, historical, or rational principles. The mass of the existing traditions were made to pass a pseudo-critical ordeal. It was not the subject matter of the tradition, nor its internal and historical evidence which tested the genuineness of a tradition, but the unimpeachable character of its narrators and their unbroken links up to the time of the Prophet or his Companions, with two or three other minor observations and technicalities" and, contrary to what some Europeans writers defended, the Traditions were not generally binding on the conscience. The fact that the Prophet Muhammad never enjoined to collect traditions and the fact that they were not based on sure and positive grounds showed to Chiragh 'Ali that they were not unchangeable and immobile.[182]

Then, developing the concept of *Ijma*, "the unanimous consent of all the learned men of the whole Mohammadan world at a certain time on a certain religious precept or practice for which there is no provision" in the ***Qur'an*** or *Sunna*, Chiragh 'Ali shows how throughout History there were different and diverging opinions on it and how it was considered not authoritative.[183]

Finally, Chiragh 'Ali explores the concept of *Qiyas*, which was considered by Reverend Sell, in his book, as the fourth foundation of Islam. Refuting that, Chiragh 'Ali says that, technically, *Qiyas* means analogical reasoning based on the ***Qur'an***, traditions, or *Ijma*, and its authority as a source of law had already been denounced by

[182] ALI, 1883: pp. xviii-xxi.

[183] ALI, 1883: pp. xxi-xxv.

many throughout history. Also, he is of the opinion that the several codes of Muslim jurisprudence were well suited to the then existing state of life in each stage of its development but that there were certain points in which the "Mohammadan Common Law" was irreconcilable with the modern needs of Islam, whether in Turkey or India, and required modifications. For Chiragh 'Ali, the several aspects of that Law, like those on political Institutes, Slavery, Concubinage, Marriage, Divorce, and the Disabilities of non-Muslim fellow-subjects were to be remodelled and re-written according to the strict interpretations of the ***Qur'an***, something that he attempts to show in the following pages of his book.[184]

Chiragh 'Ali was of the opinion that legal, political and social equality on a much more liberal scale had to be granted in Turkey, in theory as well as in practice. On the other hand, conformity, in certain points, with foreign laws must be allowed to Muslims, living under the Christian rule, either in Russia, India or Algiers. Political and social equality must be freely and practically granted to the natives of British India. Political inequality, race distinctions and social contempt evinced by Englishmen in India towards their fellow-subjects, the Natives, was very degrading and discouraging.[185]

All the reforms could be made by the Sultan of Turkey, because besides being competent to bring about any reforms on the authority of the ***Qur'an***, and being a successor of the successors of the Prophet and the Amir ul-Muminin [The Prince of the Believers], he was the only legal authority on matters of innovation. Contrary to what Coronel/Major Robert Durie Osborn defended, Chiragh 'Ali disagreed with the idea that a religious revolution was needed before a political reform in "Muhammadan States" could take place, and contrary to what Stanley Lane Poole defended, the author did not consider imperative to cut the social system from religion because Islam, as a religion, was quite apart from inculcating a social system.[186]

According to Chiragh 'Ali, the political and social reforms which he explained in the first and second parts of the book were neither casuistical deductions, nor

[184] ALI, 1883: pp. xxv-xxvii.

[185] ALI, 1883: pp. xxvii-xxviii.

[186] ALI, 1883: pp. xxviii-xxxiv.

fortuitous interpretations, nor analogical constructions of the ***Qur'an***. On the contrary, they were the plain teachings, self-indicating evident meanings of it. For him, the ***Qur'an*** or the teachings of the Prophet were neither barriers to spiritual development or free-thinking on the part of Muslims, nor an obstacle to innovation in any sphere of life, whether political, social, intellectual, or moral, and all efforts at spiritual and social development were encouraged as meritorious and hinted at in several verses of the ***Qur'an***.[187]

For Chiragh 'Ali, "Church and State" were not combined together, as it was shown by an episode in which the Prophet would have said that in matters of religion he should be obeyed, but on other matters he was only human. According to Chiragh 'Ali, the Arab Proverb "State and Religion are twins" was a mere saying of the common people, and not a Muslim religious maxim, being incorrect to suppose that the acts and sayings of the Prophet covered all law, whether political, civil, social, or moral, and, in fact, free-thinking was sanctioned by the Prophet.[188] Chiragh 'Ali concludes the "Introduction" to his book by stating that tradition secured the Muslims with enlightened progress and removed the fetters of the past, encouraging them to base all legislation on the living needs of the present, and not on the fossilized ideas of the past.[189]

II.4.2. Legal and Political Reforms

For Chiragh 'Ali, legal and political reforms were possible in Islam, refuting the assertions of Malcolm MacColl, who had said that the Muslim states were only branches of a cosmopolitan theocracy, all bound by one common code of civil and religious rules and dogmas which were essentially and eternally unchangeable: what had been decreed by the Prophet twelve centuries earlier had to be applied forever in the Muslim world.

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[187] ALI, 1883: pp. xxxiv-xxxvi.

[188] For Muhammad Iqbal, "Church and State were not the two sides of the same thing, because Islam was an unanalysable singular reality, patent in the law", something organically related. This would be developed farther by Mawdudi and with practical consequences. See below, chapters III and IV.

[189] ALI, 1883: pp. xxxvii-xl.

According to Chiragh ‘Ali, the Muslim States were not usually considered theocratic in their system of government and, in the earlier times of Islam, they were republican, only altered when the Ummayads changed that into monarchy and despotism. The fact that two Muslim kings professed the same religion did not prevent them of having political differences and even hostilities, as Indian history showed. In that republican period, or even with the first Ummayads, there was not any common code or law book for the guidance of the government, or even a canon or ecclesiastical law books, except the “Mohammadan Revealed Law” of the ***Qur’an***. After the overthrow of the Ummayads, and the establishment of the Abbassid dynasty, a need was felt for a common code of law, partly required for the guidance of government, and the security of person and property, as well as to coincide with the “wishes of the despots”. However, there was not a common civil or canonical code, because different juridical schools sprang up, which recollected and interpreted the different traditions.[190]

Chiragh ‘Ali then explores the confusion that some writers make who either confound the ***Qur’an***, which he calls the “Mohammadan Revealed Law”, with the *Fiqh* or *Shari’a*, what he refers to as the “Mohammadan Common” or “Civil Law”, or think that the ***Qur’an*** contains the entire code of Islam, or that the “Mohammadan Law”, by which is invariably meant the “Mohammadan Common Law”, is infallible and unalterable. The “Mohammadan Law” books, the fundamental codes of Islam, according to Chiragh ‘Ali, took very little or nothing from the ***Qur’an***, and all the “Mohammadan” jurists, casuists, *muftis*, and *mujtahids*, had by a tacit consent removed the law points from the text of the sacred book to the jurisdiction of the canon or civil law, relying Muslims principally on the later lego-religious books instead of the ***Qur’an***. To illustrate his thesis, Chiragh ‘Ali quotes George Campbell, Edward Sell, W.W. Hunter and, especially, Cyrus Hamlin, an American missionary residing in Turkey. In the opinion of Chiragh ‘Ali, the latter was entitled to be more trustworthy because of his long stay and deep acquaintance of the “Mohammadan” world, and, for him, Cyrus Hamlin, “Tradition”, more than the ***Qur’an***, had formed both the law and religion for Muslims. For Chiragh ‘Ali, Islam was capable of progress and possessed sufficient elasticity to enable it to adapt itself to the social and

[190] ALI, 1883: pp. 3-8.

political changes going on around it. The Islam, "the pure Islam" taught by the Prophet in the ***Qur'an***, and not the Islam as taught by the "Mohammadan Common Law", was itself a progress and a change for the better. It had the vital principles of rapid development, of progress, of rationalism, and of adaptability to new circumstances. What MacColl called the inviolable and absolutely unchangeable law of Islam was, for Chiragh 'Ali, the "Mohammadan Common Law", which could in no way be considered infallible, consisting of general or particular customs, and certain and peculiar or ecclesiastical laws. The only infallible law was the ***Qur'an***.[191]

The institutions of a Muslim state and of the "Mohammadan Common Law", the *Shari'a*, and contrary to what MacColl had written, were not necessarily built upon the ***Qur'an***. Very few points of the civil and canon law of the "Mohammadan Common Law" were founded upon the ***Qur'an***, all other points of civil or ecclesiastical law being based on general and particular Arab customs. Some of them were reformed and improved, while others were simply put down as they were at the time, to be generally practised, and to be a necessary and inescapable part of the Arab institutions. For Chiragh 'Ali, had the Prophet thought it incumbent on him to frame a civil and canon law, other than the Revealed one, he would have done so. The fact that Muhammad did not compile a law, civil or canonical, for the conduct of the believers, nor did he enjoin them to do so, showed that he had left for them to frame any code, civil or canon law, and to found systems which would harmonize with the times, and suit the political and social changes going on around them.[192]

II.4.3. The rights of non-Muslims living under Muslim rulers, and International Relations

Chiragh 'Ali, quoting from the ***Qur'an***, refutes the idea exposed by MacColl, who considered impossible any reform in the Sultan's dominions with the aim of altering the conditions of the Christian population, because the dominions of the Sultan were merely a part of one vast theocratic power which claimed divine sanction

[191] ALI, 1883: pp. 8-10.

[192] ALI, 1883: pp. 10-11.

to reduce all mankind to the alternative of embracing Islam or submitting to servitude (in the case of Christians and Jews), or death to all other non-Muslims and Christians who took up arms in defence of their liberty. Chiragh 'Ali writes that not even the "Mohammadan Common Law" claimed divine sanction to reduce all mankind to the alternative of embracing Islam or submitting to servitude or death, and not even the most fanatical of jurists claimed such a thing in books compiled by them. In what referred to the condition of the Christian population, and to the remark made by the Reverend MacColl that equality of rights was forbidden to the non-Muslim by the Sacred Law, Chiragh 'Ali says that the condition of the non-Muslim subjects of a Muslim empire was in no way inferior to that of the dominant race, whose subordinates they were, and that certain legal disabilities of the non-Muslims, noted down in the "Mohammadan Common Law", as referred by MacColl (quoting from a work on Muslim jurisprudence compiled in the earlier half of the sixteenth century), were merely imaginary and fantastical, because they were never in force and never were they intended to be so.[193]

Using examples from the behaviour of the Prophet Muhammad, Chiragh 'Ali says that they illustrate the perfect toleration and equality of rights granted to Christians and Jews. The disabilities quoted by MacColl were only dead letters in the books in which they were inscribed, like some penal ones in English-Statute books which had fallen into desuetude and oblivion. They were not put into requisition in legal practices, and never received the sanction of any Sultan. They had been repeatedly shelved up as useless enactments, and not a few times had they been repealed by the formal denunciations of the several Sultans in their *Khatts, i.e.,* the *Hatti Cherif of Gulhaneh* of 1839, the *Hatti Humayun* of 1856, and in the Constitution of 1876, which granted to all Ottomans, independently of their religion, caste or creed, equality before the law.[194]

According to MacColl, the ***Qur'an*** divided the world into *Dar ul-Islam* (Abode of Islam) and *Dar ul-Harb* (Abode of War), and it was the duty of the head of the Muslim faith to compel *Dar ul-Harb* to embrace Islam at the point of the sword.

[193] ALI, 1883: pp. 12-19.

[194] ALI, 1883: pp. 21-22. For further details, see the above sub-chapters on the political and legal reforms in the Ottoman Empire during the 19th century.

For Chiragh ‘Ali, that was not only incorrect but also a groundless statement, because there was no such division of the world made in the ***Qur’an***, nor was there any such assertion, as anyone could see by reading a copy of the ***Qur’an*** in an English, or any other European language, translation. That distinction, in the “Mohammadan Common Law”, was only a question of jurisdiction in the law-suits, for example in cases like extradition. Chiragh ‘Ali turns his attention to India and to the question posed by W.W. Hunter in his book ***Our Indian Musalmans***. Asking himself if India was *Dar ul-Islam* or *Dar ul-Harb*, Chiragh ‘Ali contends that it is neither one or the other, and simply British India, and that the Muslims were subjects of the government living in *Dar ul-Aman* or *Dar ul-Zimma* (the House of Security or Protection).[195]

MacColl had stated that Islam claimed to be a universal empire, based on the unchanging and unchangeable law of the ***Qur’an***, and the *Sunna*, and that the right of citizenship in this world-wide polity was not based on birth, race, language, or country, but on a religious profession, for it did not recognize any country bur *Dar ul-Islam*. For Chiragh ‘Ali that was not the case: the right of citizenship, of all the free inhabitants, in the “Mohammadan Common Law”, was based on nature, *i.e.*, birth, and was not established on a religious profession. Non-Muslims were also believed to possess and enjoy the right of citizenship in their respective countries, and also in the countries of Muslims not hostile to the state. The non-Muslim population of *Dar ul-Harb*, or of any hostile country, or of the country of an alien, enjoyed the same privileges, freedom, and security inseparable from the right of citizenship, as the Muslims possessed in their own, and that right was based on birth, *i.e.*, on the grounds of humanity, because every person had the right of citizenship. Chiragh ‘Ali also says that those Muslim jurists who were intense fanatics and argued that the infidels, even in their own hostile country, were not free or citizens were perfectly unjust, and that the least fanatical of jurists did not recognize such a status of the inhabitants of the hostile country.[196]

According to MacColl, the evidence of a non-Muslim, subject of a Muslim government, was never admissible against a Muslim. For Chiragh ‘Ali, that was neither found ordained in the ***Qur’an***, which was the “Mohammadan Revealed Law”,

[195] ALI, 1883: pp. 22-25.

[196] ALI, 1883: pp. 25-29.

nor in the traditional sayings of the Prophet, which formed part of the "Mohammadan Common Law", and it could not be admitted as a precept of the sacred and inviolable law. Moreover, it was "repugnant" to reason and public justice to refuse to admit the evidence of a non-Muslim against a Muslim. If a custom sanctioned such a thing, the "Mohammadan Common Law" should be reformed in that particular instance. Chiragh 'Ali was glad to say that he did not find that law in the Turkish Civil Code (*Majilla*) published by the authority of the Sultan in 1880, from which it appeared that the legal disability of the non-Muslim subject had been altogether abolished in the Turkish Empire, a legal disability that had been set up by Muslim legislators on slender bases, from a non-credible interpretation of a verse of the ***Qur'an***, the 140th. On the other hand, Chiragh 'Ali quotes Sir George Campbell and stresses the fact that until recently British tribunals would also not accept the testimony of a non-believer.[197]

In MacColl's opinion, the second legal disability under which non-Muslim subjects of a Muslim Government lie was the alleged intolerance of the "Islamitic" law, because religious liberty was forbidden by the unalterable law of Islam. Chiragh 'Ali responds to this by asking if the ***Qur'an*** inculcated religious intolerance and if Muhammad taught that to his followers. As far as he was able to judge, from the ***Qur'an*** and from the doctrines of the Prophet, the "Mohammadan Revealed Law" was the greatest advocate of a diametrically reverse principle, *i.e.*, religious toleration. The fact that the Turks did not allow the use of church-bells or the erection of churches, or other grievances reported, did not mean that it was the outcome of the unalterable law of Islam, by which Chiragh 'Ali meant the Revealed Law, the ***Qur'an***. In the case of the denial of the use of church-bells where mixed creeds congregate, it was justified for administrative reasons, as a prevention of the breach of common peace. The fact that some of the "narrow-minded and illiberal Turkish fanatics" might practise all those things could not be a reason to blame the ***Qur'an*** and, so, those corruptions could be easily reformed.[198]

Chiragh 'Ali was also aware of the complicated situation in which the Ottoman Empire lived, particularly its external relations with Russia. He was of the

[197] ALI, 1883: pp. 28-34.

[198] ALI, 1883: pp. 34-38.

opinion that if such religious intolerance was carried on by some bigoted Turks, probably Russian intrigue might have been lurking at its bottom, as was seen in the situation in Serbia, when Christian brigades were introduced with orders to assume Muslim names and assail the Christians in order to create general disturbances. Using many examples from History, and quoting the Reverend Cyrus Hamlin and the Earl of Shaftesbury, Chiragh ‘Ali draws attention to the fact that Muslim governments in different parts of the world had always been remarkable for religious toleration, the Turks being the most celebrated.[199]

Focusing his attention on the question of apostasy and the supposed death penalty for someone who renounced Islam, and using different verses from the ***Qur’an***, Chiragh ‘Ali tries to show that that penalty did not exist in the “Mohammadan Revealed Law”, and that, on the contrary, the apostate was forgiven; and if there was any such intolerant or oppressive practices regarding apostates in the Ottoman State, Chiragh ‘Ali did not see any impediment for the Sultan to introduce a reform: the “Mohammadan Common Law” enjoined death in the case of an apostate who took up arms against his sovereign. That Law, compiled by some jurists, was based on an isolated sentence from the ***Qur’an***, which was specifically directed to those Meccans who had broken the Treaty of Hudaibya, and on questionable Traditions, which, taken to the last consequences, meant that every conversion, including to Islam, was subject to the death penalty. In practical terms, religious freedom had been improving in Turkey, and the Sultan himself had annulled the law on apostasy, which had historical precedents in Judaism, Christianity, the Roman Empire, and in 13th century and 18th century England.[200]

To the accusation of Malcom MacColl that Muslims could break treaties made with non-Muslims, Chiragh ‘Ali says that once again the Reverend’s sentence was false and ill-grounded, similarly to when the former said that it was unlawful for Christian subjects of a Muslim power to bear arms, being an unrepealable law declared as such by the *‘ulama* of Constantinople in 1878, and that the Christians had to pay a yearly ransom for the right to live (a reference to the *jyzia*, or capitation-

[199] ALI, 1883: pp. 39-50.

[200] ALI, 1883: pp. 50-58.

tax).[201] Chiragh 'Ali refutes this by saying that he did not find in the "Mohammadan Revealed Law", or in the "Traditions", any reference saying that it was unlawful for the Christian subject to bear arms. It might be a policy of the Government to prohibit the use of arms to a section of its subjects, especially to the insurgents, as a precautionary measure, but it was not a religious ordinance or an unrepealable law. The capitation tax was a tax imposed on male adults in lieu of assistance with person and property, as the non-Muslim subjects were not required by their sovereign to contribute towards any war-expense, nor personally go to war. The Christians of Turkey were exempt from military service, and, in return, the Christians were under protection and had the right to live in Muslim territory. If a non-Muslim did not pay, and if a year had elapsed, the tax of that year could not be levied.[202]

According to MacColl, no Muslim power had ever granted, nor could grant, equal rights to Christians without being in apostasy, and the *Hatt-i Houmayun* of 1856, granting equal rights to Christian subjects, had never received the due *fatwa*, nor could it, because the equality of rights to non-Muslims was forbidden by the Sacred Law. Chiragh 'Ali considers this "absurd", since many Muslim sovereigns, throughout History, had given equal rights to non-Muslims, without being considered apostates, and the political actions of the government did not need the sanction of the *Shaikh ul-Islam*, which was not a religious post and which was dependent on the Sultan. The *Shaikh ul-Islam* only gave opinions on legal and political matters, but without powers to enforce them or to annul or disallow any act of the Government.[203]

[201] Historically, in the Ottoman Empire, only the Muslims could serve in the Army. Non-Muslims had to pay a tax, *jyzia*, but were exempt from military service. On the other hand, in Mughal India, Muslims and non-Muslims alike served in the Army of this Islamic Empire. Many European travellers to Mughal India were somewhat shocked to note such practices of non-discrimination against Hindus in the bureaucracy, and deference to their religious lives. Further details in ALAM, Muzaffar. 2000. "Sharia and governance in the Indo-Islamic context" in GILMARTIN, David and LAWRENCE, Bruce B. (eds.). ***Beyond Turk and Hindu: rethinking religious identities in Islamicate South Asia***. Gainesville: University Press of Florida, p. 237.

[202] ALI, 1883: pp. 58-59.

[203] ALI, 1883: pp. 72-74.

CHAPTER III:

MUHAMMAD IQBAL'S CONCEPTION OF STATE

III.1. Bio-bibliography of Muhammad Iqbal

Born in Sialkot, nowadays Pakistan, on the 9th November 1877, in the same year that the Muhammadan Anglo-Oriental College, at Aligarh, was starting to work, Muhammad Iqbal's thought developed in an environment in which a critical tradition to the loyalist policies of the All-India Muslim League was growing, and in a Muslim India which would witness the fragmentation of the Ottoman Empire, fragmentation seen as an Western threat to Islam.

In late 19th century, Iqbal studied at the Scottish Mission School (nowadays Murray College), where he was influenced by Maulvi Mir Hassan, professor of Persian Literature. Then, to study English Literature, Arabic and Philosophy, he moved to the Government College in Lahore, where he received personal attention from Thomas Arnold (1864-1930), and was influenced by him, an important scholar of Islam at that time and to whom Iqbal would dedicate his Ph.D. thesis. Finishing his studies in 1897, Iqbal obtained a master's degree in Arabic two years later, and in 1903 he published ***'Ilm-ul-iqtisad*** (***The Study of Economics***), the first book on political economy to be published in Urdu. In 1905 he travelled to Europe to continue his studies in London, at Lincoln's Inn, to qualify for the Bar and also enrolled himself at Trinity College (Cambridge), following the counsel of Thomas Arnold and studying Philosophy under J.M.E. McTaggart (1866-1925). At the same time, he submitted his thesis to the University of Munich[204], where he obtained his Doctorate with ***The Development of Metaphysics in Persia***.[205]

In July 1908 he returned from Europe and became a professor of Philosophy and English Literature at the Government College in Lahore, also starting his career as a lawyer. It was also in this year that he gave the speech "The Political Ideal of

[204] MALIK, Hafeez and MALIK, Lynda. 1971. "The Life of the Poet-Philosopher" in MALIK, Hafeez (ed.). ***Iqbal: Poet-Philosopher of Pakistan***. New York: Columbia University Press, pp. 3-20.

[205] IQBAL, Muhammad. 1908a. ***The development of metaphysics in Persia. A contribution to the History of Muslim Philosophy***. London: Luzac and Company.

Islam"[206], which will be analysed below with more detail jointly with a paper that Iqbal published after the completion of his doctoral thesis, entitled "Political Thought in Islam".[207] This paper can be treated as the manifesto which provided the basis for all subsequent work of Iqbal. First published in 1908 in the ***Sociological Review***, London, and reproduced by ***The Hindustan Review***, Allahabad, in its issues for December, 1910 and January, 1911, it was later translated into Urdu as "Khilafat-i-Islamia" and published in the early 1920s. It has been included in various anthologies of Iqbal's prose works, especially the ***Writings, Speeches and Statements of Iqbal*** edited by Latif Ahmed Sherwani[208] and the ***Discourses of Iqbal*** edited by Shahid Husain Razzaqi.[209]

In 1911, Iqbal gave up his teacher's position to dedicate himself to an independent activity like Law, but still maintaining an interest on Education, associating himself to the Oriental College, the Government College and the Islamia College in Lahore, and also to the Jami'a Millia (National University) in Delhi. He was also interested in the works of the Muslim League, but was not an active participant in politics. In 1923 he was knighted, and the following year Iqbal became a member of the National Liberal League of Lahore. In 1926 he was elected member of the Punjab Legislative Assembly and on the 29th December 1930, when he was fifty three years old, Iqbal was elected president of the All-India Muslim League, in its 25th session which was held in Allahabad. On this occasion, Iqbal gave a historical speech, where he devised for the first time the creation of a state for the Indian Muslims.[210] Many of the issues raised then were again focused on in the Presidential Address delivered at the annual session of the All-India Muslim Conference at

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[206] IQBAL, Muhammad. 1908b. ***Islam as an Ethical and a Political Ideal. Iqbal's first speech in English. Lahore, April*** also published as "Islam as a Moral and Political Ideal" in ***Hindustan Review***, Allahabad, India, July 1909, pp. 29-38, and August 1909, pp. 166-171 in KURZMAN, Charles (ed.). 2002. ***Modernist Islam, 1840-1940: a sourcebook***. Oxford: Oxford University Press, pp. 304-313.

[207] IQBAL, Muhammad. 1910. "Political thought in Islam" in ***The Hindustan Review***, Allahabad, India, December 1910, pp. 527-33 and January 1911, pp. 22-26.

[208] SHERWANI, Latif Ahmed (comp. and ed.). 1977 (2nd ed., revised and enlarged). ***Speeches, Writings, and Statements of Iqbal***. Lahore: Iqbal Academy.

[209] RAZZAQI, Shahid Hussain. 2003. ***Discourses of Iqbal***. Lahore: Iqbal Academy.

[210] IQBAL, Muhammad. 1930. ***Sir Muhammad Iqbal's 1930 Presidential Address to the 25th Session of the All-India Muslim League. Allahabad, 29 December***.

Lahore, on the 21st March 1932[211], and developed further in his most famous book, ***The Reconstruction of Religious Thought in Islam***.[212]

Muhammad Iqbal was a prolific writer, authoring many works covering various fields and genres, including Poetry, Philosophy, Mysticism, which should be viewed as an unity. His ideas were expressed through many forms and even Anne Marie Schimmel, one of the most important western specialists on Iqbal, acknowledged the difficulty in constructing a system based on Iqbal's work.[213] Having in mind the scope of this research, only those works which have a clearly political dimension or had impact on his political thought will be analysed. [214]

According to Masood A. Raja[215], Iqbal took upon himself the task of deconstructing the benevolent vision of the West, stressing the darkest aspects of European colonialism and brutality, exposed during the First World War. It is this challenge to the West's civilisational and moral superiority that arises in his trustlessness of the West. However, Iqbal's vision on Europe and the West was not binary. For him, the question was not to choose between the East and the West but to find a middle path where Muslims would not have to abandon their Islamic identity to take part of the modern world. Still, his version of an Islamic system was an alternative not only to Muslims but also to the colonial powers, trying to form a civilization where both, East and West, could contribute, since, for Iqbal, unless a civilisation possessed both sets of values, it would not be viable. This philosophical

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[211] IQBAL, Muhammad. 1932. ***Presidential address delivered at the annual session of the All-India Muslim Conference. Lahore, 21st March***.

[212] IQBAL, Muhammad. 1934. ***The Reconstruction of Religious Thought in Islam***. London: Oxford University Press. Edition used: New Delhi: Kitab Bhavan, 1974, 6th reimpression, 1998.

[213] SCHIMMEL, Anne Marie. 2003. ***Islam in the Indian Subcontinent***. Lahore: Sang-e-Meel, p. 229.

[214] For detailed information on his work see HASSAN, Riffat. 1998. "Iqbal, Muhammad (1877-1938)" in ***Islamic Philosophy from the Routledge Encyclopedia of Philosophy***; and TAILLIEU, Dieter, LALEMAN, Francis and CALLEWAERT, Winand M. 2000. ***A descriptive bibliography of Allama Muhammad Iqbal (1877-1938).*** Leuven: Uitgeverij Peeters en Departement Oosterse Studies.
For comprehensive details on his life see MALIK, Hafeez (ed.). 1971. ***Iqbal: Poet-Philosopher of Pakistan***. New York: Columbia University Press, and MIR, Mustansir. 2006. ***Iqbal***. London: I.B. Tauris/Oxford University Press.
Also useful is the site http://www.allamaiqbal.com/ established by the Iqbal Academy Pakistan with the aim of promoting and disseminating the study and understanding of the works and teachings of Muhammad Iqbal.

[215] RAJA, Masood A. 2008. "Muhammad Iqbal: Islam, the West, and the Quest for a Modern Muslim Identity" in ***The International Journal of the Asian Philosophical Association***, V. 1, n. 1, pp. 37-49.

position enabled him to defend a reciprocal sharing between East and West in order to build a better world, creating a space which offered an alternative world-view. Iqbal did not want a Muslim response to the British in a particularist field and so he proposed to articulate both and create the terrain where the importance of Islam and the *Umma* as a political system would be recognised. This focusing in the *Umma* also had its material reasons which, according to Francis Robinson[216], were the impact of colonial rule, the awareness that the encroachment of the West was an experience shared by almost all Muslims, the growing easiness with which Muslims were able to travel to be with other Muslims in other places, the need to find a sentiment of identity while, at the same time, discussing the meaning of a modern state under colonial form. For Iqbal, the Muslim future was not only dependent in gaining western knowledge but also in balancing that knowledge with its own tradition, and his works show this engagement with the West, always mediated through his knowledge of both civilisational systems.

Iqbal's vision of the West was very different from the vision of men like Sir Sayyid Ahmad Khan. A product of the colonial system, Iqbal not only was criticising the West from a native perspective but also from within western philosophies. In that critique he exposed the class hierarchies of western liberal democracy and wealth distribution. At the same time, Marxism was also criticised for focusing only in the material world. A modern system should offer the best of all other systems and, for Iqbal, Islam was that true system. So, he was not only fighting against the colonial system but also offering his own political and philosophical system as a solution for the problems of colonial masters. If it is true that Iqbal admired the West's dynamic spirit, the intellectual tradition and technology, he also criticized its excesses: European imperialisms and colonialisms, capitalism's economical exploitation, the atheism of Marxism and the moral bankruptcy of secularism. So, he looked to the Islamic past to rediscover principles and values which could be used to reconstruct an alternative Islamic model for modern Muslim society, resulting in the discovery of Islamic versions of democracy and parliamentary government. Iqbal believed that, through reinterpretation, Islamic "equivalents" of western institutions and concepts could be developed.

[216] ROBINSON, Francis. 1993. "Technology and Religious Change: Islam and the Impact of Print" in ***Modern Asian Studies***, V. 27, n. 1 (Feb.). Cambridge: Cambridge University Press, p. 243.

Aligning himself with Ahmad Sirhindi, Shah Wali Allah and Muhammad ibn Abd al-Wahhab, Iqbal tried to answer to the questions posed by modernism: for him, Islam and the Muslim community were in danger, faced with decadence and decline, politically impotent, morally corrupt and culturally backward; all of these were in contrast with the inner nature of Islam, which was dynamic and creative. Influenced by his Islamic heritage and by western philosophy (Hegel, Bergson, Fichte, Nietzsche), Iqbal developed his own synthesis and interpretation of Islam, in response to the socio-historical conditions and events of his epoch. This synthesis of East and West is well demonstrated in his dynamic conception of the Ego. Rejecting Plato's static Universe and some aspects of Sufism that denied the affirmation of the Ego in the world, Iqbal, using the ***Qur'an***, developed a dynamic world-view in his theory of selfhood that encompassed all reality: individual Ego, society and God, whose relation with the Islamic society and Muslims' relation with this meant permanence and change. Until the end of his life, Iqbal wrote innumerable articles in newspapers and magazines in Urdu and in English, and his last years were characterised by illness, passing away in 1938.[217]

[217] When the British gave independence to India on the 15th August, 1947, the Prime Minister designate, Jawaharlal Nehru, called the first session of the parliament on the 14th and let it linger on till midnight when he could greet the awakening of his country with a moving speech. The session did not adjourn until Suchitra Kirplani, who would later become the first woman Chief Minister in an Indian province, had sung Iqbal's "Saray jahan say achha Hindustan hamara" ["Our India is better than the whole world"] along with "Jana mana gana" (which is now the national anthem of India) by the Bengali poet Rabindranath Tagore.
The two states, India and Pakistan, fought three wars against each other in less than three decades but Iqbal remained dear to them both. In 1973 his birth centenary was celebrated in India while the Prime Minister was Indira Gandhi, Nehru's daughter, who initiated a second round of accolades for Iqbal by way of an international conference in New Delhi when Pakistan announced its own centennial of the poet in 1977.
For further details on the disagreement over his date of birth, and other biographical information, see SHAFIQUE, Khurram Ali. 2007. ***Iqbal: an illustrated biography***. Lahore: Iqbal Academy Pakistan.

III.2. Political conceptions until the First World War

In the speech "The Political Ideal of Islam" [218], Muhammad Iqbal talked about the conditions of Muslim society in India, of Islam as a political ideal, and on the political aspects of the Islamic Ideal and war in Islam.

According to Iqbal, quoting some verses from the ***Qur'an***, defensive war was permitted but the doctrine of aggressive war against the unbelievers was not. For him, all the wars undertaken during the lifetime of the Prophet Muhammad were defensive and even in defensive wars wanton cruelty to the vanquished was forbidden. Quoting some more verses, Iqbal defended that in Islam all forms of political and social disturbances were condemned by the ***Qur'an*** and all forms of political and social disorders were severely denounced in it. The ideal of Islam was to secure social peace at any cost, and all methods of violent change in society were condemned in the most "unmistakable language". Quoting Abu Bakr al-Turtushi (1059-1127), a lawyer from Muslim Spain, Iqbal considered that forty years of tyranny were preferable than one year of anarchy, since the unity of the community was of paramount importance.

Turning his attention to the fact that the Muslims of India were living under a Christian government, Iqbal gave the example of those early Muslims who, when persecuted by their own countrymen, had to leave their homes to settle in the Christian State of Abyssinia. Their behaviour in that State must be the guiding principle in India, and the relations of Muslims with the Christians were determined for them by the ***Qur'an***, which said, "And thou wilt find nearer in friendship of the believers those who call themselves Christians; *this is because among them are learned men and hermits, and because they are never vain*" (***Qur'an*** 5:82), meaning that nothing was wrong in being under a non-Muslim government.

Then, Iqbal proceeds to consider the purely political aspect of the Islamic ideal, as entertained by a Corporate Individuality, by making three questions: 1) Given a settled society, what does Islam expect of its followers regarded as a

[218] IQBAL, 1908b. For a detailed analysis on Muhammad Iqbal's political thinking see HASSAN, Parveen Feroze. 1967. ***The political philosophy of Iqbal*** (Ph.D. thesis). University of the Punjab: Political Science.

community? 2) What principles ought to guide them in the management of communal affairs? 3) What must be their ultimate object and how is it to be achieved?

For Iqbal, "Islam is something more than a creed; it is also a community, a nation. The membership of Islam is not determined by birth, locality, or naturalisation; it consists in the identity of belief. The expression 'Indian Muhammadans', however convenient it may be, is a contradiction in terms, since Islam in its essence is above all conditions of Time and Space. Nationality with us is a pure idea; it has no geographical basis. But inasmuch as the average man demands a material centre of nationality, the Muslim looks for it in the holy town of Mecca, so that the basis of Muslim nationality combines the real and the ideal, [the] concrete and the abstract. When, therefore, it is said that [the] interests of Islam are superior to those of Muslims, it is meant that the interests of the individual as a unit are subordinate to the interests of the community as an external symbol of the Islamic principle. This is the only principle which limits the liberty of the individual, who is otherwise absolutely free."

Continuing with his speech, Iqbal considered that the best form of government for such a community would be democracy, "the ideal of which is to let a man develop all the possibilities of his nature by allowing him as much freedom as practicable. The Caliph of Islam is not an infallible being; like other Muslims, he is subject to the same law; he is elected by the people and is deposed by them if he goes contrary to the law."

For Iqbal, Democracy was the most important aspect of Islam as a political ideal. However, Muslims, "with their idea of individual freedom, could do nothing for the political improvement of Asia. Their democracy lasted only thirty years [*i.e.* from 632 to 661 C.E.], and disappeared with their political expansion. Though the principle of election was not quite original in Asia (since the ancient Parthian government was based on the same principle), yet somehow or other it was not suited to the nations of Asia in the early days of Islam. It was, however, reserved for a Western nation to vitalise the countries of Asia politically."[219]

[219] IQBAL, 1908b.

The natural conclusion for Iqbal was that "Democracy has been the great mission of England in modern times, and English statesmen have boldly carried this principle to countries which have been for centuries groaning under the most atrocious form of despotism. The British Empire is a vast political organism, the vitality of which consists in the gradual working out of this principle. The permanence of [the] British Empire as a civilising factor in the political evolution of mankind is one of our [Muslims'] greatest interests. This vast Empire has our fullest sympathy and respect, since it is one aspect of our own political ideal that is being slowly worked out in it. England, in fact, is doing one of our own great duties, which unfavourable circumstances did not permit us to perform. It is not the number of Muhammadans which it protects but the spirit of the British Empire that makes it the greatest Muhammadan Empire in the world."

Turning his attention to the political constitution of the Muslim society, for Iqbal there were two basic propositions underlying it. The first one was that the "Law of God was absolutely supreme. Authority, except as an interpreter of the law, has no place in the social structure of Islam, because Islam has a horror of personal authority. We regard it as inimical to the unfoldment of human individuality. The Shi'as, of course, differ from the Sunnis in this respect. They [the Shi'as] hold that the Caliph or Imam is appointed by God, and his interpretation of the law is final. He is infallible, and his authority, therefore, is supreme. There is certainly a grain of truth in this view, since the principle of absolute authority has functioned usefully in the course of [the] history of mankind. But it must be admitted that the idea works well [only] in the case of primitive societies, and reveals its deficiency when applied to higher stages of civilisation. People grow out of it, as recent events have revealed in Persia [a reference to the Constitutional Revolution of 1905-06], which is a Shi'a country and yet demands a fundamental structural change in her government in the introduction of the principle of election."[220]

The second proposition was that there was no aristocracy in Islam. Quoting the ***Qur'an*** (49:13), "[t]he noblest amongst you are those who fear God most", Iqbal considered that there was no privileged class, no priesthood, no caste system in Islam, which was a unity in which there was no distinction; and that unity was secured by

[220] For further details on the Revolution of 1905-06 in Iran, see MOHOMED, 2010.

making men believe in two simple propositions: 1) the Unity of God; and 2) the Mission of the Prophet. For Iqbal, the principle of equality of all believers made the early Muslims the greatest political power in the world, and Islam worked as a levelling force, elevating those who were socially low. The elevation of the down-trodden was the chief secret of the Muslim political power in India, and, for him, the result of the British rule in that country had been exactly the same; and if England continued true to that principle, it would ever remain a source of strength to her, as it was to her predecessors.

However, Iqbal questioned if the Indian Muslims were true to that principle in their social economy and if the organic unity of Islam was intact in that land. For him, religious "adventurers" had set up different sects and fraternities who were ever quarrelling with one another, and the solution was to reunite all the different parts of Islam: "Let all come forward and contribute their respective shares in the great toil of the nation. Let the idols of class distinctions and sectarianism be smashed forever. Let the Mussalmans [Muslims] of this country be once more united into a great vital whole. How can you, in the presence of violent internal dispute, expect to succeed in persuading others to your ways of thinking? The work of freeing humanity from superstitions - the ultimate ideal of Islam as a community, for the realisation of which you have done so little in this land of myth and superstition - will ever remain undone if the emancipators themselves are becoming enchained in the very fetters from which it is their mission to set others free."[221]

In his article written in late 1910, early 1911, entitled "Political Thought in Islam"[222], Iqbal talks about the change that the Prophet Muhammad had brought to the Arab tribal system. Using History, the ***Qur'an***, the *Hadiths* and the political thought of classical Islamic thinkers like ibn Khaldun (1332-1406) and al-Mawardy (972-1058), Iqbal delineated what was, from his point of view, the conception of State and Government in Islam.

[221] IQBAL, 1908b.

[222] IQBAL, Muhammad. 1910. "Political thought in Islam" in ***The Hindustan Review***, Allahabad, India, December 1910, pp. 527-33 and January 1911, pp. 22-26.

According to him, Pre-Islamic Arabia was divided into tribes, continually at war with one another. Each tribe had its own chief, its own god and its own poet, whose tribal patriotism manifested itself chiefly in the glorification of the virtues of his own tribe. Though these primitive social groups recognised, to a certain extent, their kinship with one another, yet it was mainly the authority of Muhammad and the "cosmopolitan character of his teaching which shattered the aristocratic ideals of individual tribes, and welded the dwellers of tents into one common ever-expanding nationality. Prophet Muhammad, true to custom, left no instruction with regard to the matter of succession."

When the Chief or Shaikh of an Arab tribe died all the elders of the tribe met together to discuss the matter of succession. Any member of the tribe could hold the chieftainship if he were unanimously elected by the elders and heads of great families, and if the tribe was equally divided between two leaders, the rival sections separated from each other until one of the candidates relinquished his claims; otherwise the sword was appealed to. The Chief thus elected could be disposed by the tribe if the conduct necessitated disposition. With the expansion of the Arab conquest, and the consequent enlargement of mental outlook, this primitive custom gradually developed into a Political Theory carefully constructed by the constitutional lawyers of Islam through reflective criticism on the revelations of the political experience.

For Iqbal, it was early understood that the Political Sovereignty resided *de facto* in the people, and that the electorate, by their free act of unanimous choice, embodied it in a determinate personality in which the collective will was individualised, without investing this concrete seat of power with any privilege in the eye of the law except legal control over the individual wills of which it was an expression. To illustrate this, Iqbal uses the events occurred during the period of the first four caliphs, *i.e.*, 632 to 661 C.E. The idea of universal agreement was, for Iqbal, in fact, the fundamental principle of Muslim constitutional theory, and, quoting a tradition attributed to the Prophet, he considered that "*What the Muslim community considers good, God also considers good.*" According to Iqbal, the Caliphate of Uthman, from 644 to 656, was the source of the three religio-political parties, each one with its respective political theories, which, finding itself in power, attempted to

realise in one or other of the provinces of the Arab Empire: Sunni, Shi'a, and Khawarij.

Before proceeding to describe these theories, Iqbal wanted to draw attention to the fact that 1) the Muslim Commonwealth was based on the absolute equality of all Muslims in the eyes of the law and that there was no privileged class, no priesthood, no caste system, and 2) according to the law of Islam there was no distinction between the Church and the State. The State was not a combination of religious and secular authority, but a unity in which no such distinction existed. The Caliph was not necessarily the high-priest of Islam; he was not the representative of God on earth. He was fallible like other men and subject, like every Muslim, to the impersonal authority of the same law. For Iqbal, the Law of Islam did not recognize the apparently natural differences of race, nor the historical differences of nationality. The political ideal of Islam consisted in the creation of a people born of a free fusion of all races and nationalities. Nationality with Islam was not the highest limit of political development, for the general principle of the law of Islam rested on human nature, and not on the peculiarities of a particular people.

The inner cohesion of such a nation would consist not in ethnic or geographic unity, nor in the unity of language or social tradition, but in the unity of the religious and political ideal. The membership of this nation, consequently, would not be determined by birth, marriage, domicile, or naturalisation. It would be determined by a public declaration of "like-mindedness" and would terminate when the individual had ceased to be like-minded with others. The ideal territory for such a nation would be the whole earth: "The Arabs, like the Greek and the Romans, endeavoured to create such a nation or a world-state by conquest, but failed to actualise this ideal. The realisation of this ideal, however, is not impossible; for the ideal nation does already [exist] in germ. The life of modern political communities finds expression, to a great extent, in common institutions, Law and Government; and the various sociological circles, so to speak, are continually expanding to touch one another." Also, this ideal was not incompatible with the sovereignty of individual States, since its structure would be determined not by physical force, but by the spiritual force of a common ideal.

According to Iqbal, the idea of personal authority was quite contrary to the spirit of Islam, and the Prophet Muhammad "succeeded in commanding the absolute submission of an entire people; yet no man has depreciated his own authority more than he. 'I am,' he says, 'a man like you; like you my forgiveness also depends on the mercy of God.'" The whole system of Islamic ethics was based on the idea of individuality, and anything which tended to repress "the healthy development of individuality" was quite inconsistent with the spirit of Islamic law and ethics. A Muslim was free to do anything he liked, provided he did not violate the law. The general principles of this law were believed to have been revealed; the details, in order to cover the relatively secular cases, were left to the interpretation of the professional lawyers. It was, "therefore, true to say that the entire fabric of Islamic law, actually administered, is really judge-made law, so that the lawyer performs the legislative function in the Muslim constitution. If, however, an absolutely new case arises which is not provided for in the law of Islam, the will of the whole Muslim community becomes a further source of law. But I do not know whether a general council of the whole Muslim community was ever held for this purpose."[223]

Iqbal then gives a detailed analysis of the Sunni view of government, and a brief account of the Shi'a and the Khawarij ones.

Considering the Khawarij as the Republicans of Islam, Iqbal divided them into three classes: 1) Those who held that there must be an elected caliph, but it was not necessary that he should belong to a particular family or tribe. A woman or even a slave could be elected as Caliph provided he or she was a good Muslim ruler. Whenever they found themselves in power, they purposely elected their Caliph from among the socially lowest members of their community; 2) Those who held that there was no need of a Caliph, the Muslim congregation could govern themselves; and 3) Those who did not believe in Government at all, "the anarchists of Islam."

According to Iqbal, the Shi'a view of the State was of divine origin and "the Caliph, or, as they call, Imam, governs by divine right. [...] The Imam, according to the Persians, is not elected but appointed by God (the Shi'as of Oman, however, adopted the elective principle and held that the Imam might be deposed). He is the

[223] IQBAL, 1910.

incarnation of universal reason, he is endowed with all perfections, his wisdom is superhuman and his decisions are absolute and final. [...] The first Imam, 'Ali, was appointed by Muhammad; 'Ali's direct descendants are his divinely ordained successors. The world is never without a living Imam whether visible or invisible. The twelfth Imam, according to the Shi'as, suddenly disappeared near Kufa, but he will come again and fill the world with peace and prosperity. In the meantime he communicates his will from time to time through certain favoured individuals called Gates, who hold mysterious intercourse with him."

This doctrine of the absence of the Imam was, for Iqbal, a clever way of separating the Church and the State and, once again, it can be seen how different Muslim thinkers, as was the case with Chiragh 'Ali[224], were imbued with European political concepts. With the equation that *State* equals *Politics* and that *Church* equals *Religion*, Muhammad Iqbal tries to explain to his readers that, in the Shi'a view of the State, in this particular case Iran, *Politics* and *Religion* were separated: The absent Imam was the absolute authority in all matters; the present executive authorities were, therefore, only guardians of the estate which really belonged to the Imam who, as such, inherited the property of deceased intestates in case they left no heirs. It would be seen that the authority of the Shah of Persia was, therefore, limited by the authority of the Mullahs, the representatives of the absent Imam. As a mere guardian of the estate, the Shah was subject to the religious authority of the Mullah, though as the chief executive authority he was free to adopt any measure for the good of the estate. This led Iqbal to say that it was not surprising therefore that the Mullahs took no active part in the constitutional reforms in Persia. However, for some reason, Iqbal was mistaken, since during the events leading to the Constitutional Revolution of Iran in 1905-06, the mullahs took active part.[225]

For the Sunni political views, Iqbal used the political theories of al-Mawardy (972-1058), al-Ghazali (1058-1111), al-Baidawi (died c. 1286), and ibn Khaldun (1332-1406).

[224] See footnote 176.

[225] For further details see MOHOMED, 2010.

Al-Mawardy divided the whole Muslim community into two classes: 1) the electors, and 2) the candidates for election. The qualifications absolutely necessary for a candidate were thus enumerated by him: i) Spotless character; ii) Freedom from physical and mental infirmity[226]; iii) Necessary legal and theological knowledge in order to be able to decide various cases[227]; iv) Insight necessary for a ruler; v) Relationship with the family of Quraysh. This qualification was not regarded as indispensable by modern Sunni lawyers on the ground that the Prophet never nominated any person as his successor; vi) Full Age; and vii) Male Sex.[228]

If the candidate satisfied these conditions, the representatives of all influential families, doctors of law, high officials of the State, and commanders of the Army met together and nominated him to the Caliphate. The whole assembly then proceeded to the mosque where the nomination was duly confirmed by the people. After the election, the Caliph usually made a speech promising to rule according to the law of Islam. He could not secure the election of his successor during his own lifetime, and when people declared for another Caliph, the one previously elected must, on penalty of death, immediately renounce his right in public. If the Caliph did not rule according to the law of Islam, or suffered from physical or mental infirmity, the Caliphate was forfeited.

As can be seen, for Iqbal the people always had the last word, because it were they who confirmed the election of the Caliph, who, on his turn, had to rule according to the law: it is not farfetched to say that the political views of Iqbal framed the way he saw or looked at History, something common on those days and even now.

Iqbal also talks about the question whether two or more rival Caliphates could exist simultaneously. According to ibn Jama (d. 1333), only one Caliphate was possible, but for ibn Khaldun there was nothing illegal in the co-existence of two or more Caliphates, provided they were in different countries: “Ibn Khaldun’s view is

[226] Iqbal gave the deposition of the Ottoman Sultan Abdul Hamid II in 1909 as an example of this condition.

[227] Iqbal adds that this was true in theory but that in practice the power of the Caliph, especially in later times, was divided.

[228] As we have seen above, when Iqbal gave a brief analysis of the Khawarij view of government, this was denied by them holding that a woman could also be elected as Caliph.

certainly contrary to the old Arabian idea, yet in so far as the Muslim Commonwealth is governed by an impersonal authority, *i.e.*, law, his position seems to me to be quite a tenable one. Moreover, as a matter of fact, two rival Caliphates have existed in Islam for a long time and still exist."

According to al-Mawardy, the qualifications of an elector should be: 1) Good reputation as an honest man; 2) Necessary knowledge of State affairs; 3) Necessary insight and judgment. For Iqbal, in theory, all Muslims, men and women, possessed the right of election. There was no property qualification. In practice, however, Iqbal adds, women and slaves did not exercise this right. The elector had the right to demand the deposition of the Caliph or the dismissal of his officials if he could show that their conduct was not in accordance with the law of Islam by addressing the Muslim congregation in the mosque after the prayer: "the mosque, it must be remembered, is the Muslim Forum, and the institution of daily prayer is closely connected with the political life of Muslim communities. Apart from its spiritual and social functions, the institution is meant to serve as a ready means of constant criticism of the State." The elector could also issue a judicial inquiry concerning the conduct of any State official, or any other matter which affected the community as a whole: "such judicial inquiries are issued by the State as well, and when the lawyers give conflicting decisions, the majority prevails. Forced election is quite illegal. Ibn Jama, an Egyptian lawyer, however, holds that forced election is legal in times of political unrest. This opportunist view has no support in the law of Islam; though undoubtedly it is based on historical facts. Tartushi, a Spanish lawyer, would probably hold the same view, for he says: 'Forty years of tyranny are better than one hour of anarchy.'"

The relation between the elected and the elector was defined by al-Mawardy as *aqd* (binding together, contract). The State, therefore, was a contractual organism and implied rights and duties. According to Iqbal, al-Mawardy did not mean, like Jean-Jacques Rousseau, to explain the origin of society by an original social contract but that the actual fact of election was a contract in consequence of which the Caliph had to perform certain duties, e.g., to defend the religion, to enforce the law of Islam, to levy customs and taxes according to the law of Islam, to pay annual salaries and properly to direct the State treasury. If he fulfilled these conditions, the people had

mainly two duties in relation to him: to obey him and to assist him in his work. So, the origin of the State, according to Iqbal's interpretation of al-Mawardy, was not force but free consent of individuals who united to form a brotherhood, based upon legal equality, in order that each member of the brotherhood may work out the potentialities of his individuality under the law of Islam.

For Muhammad Iqbal, Government was an artificial arrangement, and was divine only in the sense that the law of Islam, believed to have been revealed, demanded peace and security. In short, the fundamental principle laid down in the ***Qur'an*** was the principle of election, and the details or "rather the translation of this principle into a workable scheme of Government" was left to be determined by other considerations. However, "the idea of election did not develop on strictly democratic lines, and the Muslim conquerors consequently failed to do anything for the political improvement of Asia. The form of election was certainly maintained in Baghdad and Spain, but no regular political institutions could grow to visualize the people at large. [...] It seems to me that there were principally two reasons for this want of political activity in Muslim countries: 1) In the first place the idea of election was not at all suited to the genius of the Persians and the Mongols, the two principal races that accepted Islam as their religion; 2) The life of early Muslims was a life of conquest. Their whole energy was devoted to political expansion which tends to concentrate political power in fewer hands; and thus serves as an unconscious handmaid of despotism. Democracy did not seem to be quite willing to get on with Empire, a lesson which the modern English Imperialist might well take to heart. [...] In modern times, thanks to the influence of Western political ideas, Muslim countries have exhibited signs of political life. England has vitalized Egypt[229]; Persia has received a constitution from the Shah[230] and the Young Turkish Party too have been struggling, scheming and plotting to achieve their object.[231] [...] But it is absolutely necessary for these political reformers to make a thorough study of Islamic constitutional principles,

[229] A reference to the British presence in Egypt, which would last until the end of First World War, as a consequence of the military intervention in 1882.

[230] A reference to the Constitutional Revolution of 1905-06 in Iran.

[231] A reference to the events in the Ottoman Empire at the beginning of the 20th century and which culminated in the Constitutional Revolution of 1908 and the deposition of the Sultan Abdul Hamid II in 1909.

and not to shock that natural suspicious conservatism of their people by appearing as prophets of a new culture. They would certainly impress them more if they could show that their seemingly borrowed ideal of political freedom is really the ideal of Islam, and is, as such, the rightful demand of free Muslim conscience."[232]

As has been said earlier, the developments in other parts of the Muslim world, especially in the Ottoman Empire, had a deep impact on the Indian Muslim community. It will now be explained with more details the changing environment in Turkey at the beginning of the 20th century.

III.3. Turkish Nationalism, Secularization in the Ottoman Empire, and the abolition of the Caliphate[233]

The first quarter of the twentieth century was a period of great political upheavals in, and deep transformations of, the Ottoman State, which would have a profound influence in many Muslims around the world, particularly in India. The political and cultural debate between different thinkers of the Ottoman Empire regarding State and Religion, and the relationship between them, was very influential on Muhammad Iqbal.

One of the leading figures in that debate was Mehmet Ziya Gökalp (1876-1924), one of the most important intellectual figures during the process of the Ottoman-Turkish modernization, and whose ideas were a synthesis of Islamic *fiqh* (jurisprudence, positive law), Turkish nationalism, and Durkheimian sociology, as he believed that the Turkish nation simultaneously belonged to the Islamic *umma* and to the European civilization. Gökalp was highly influential on the political, as well as the intellectual, elite of the modernizing Turkey, both before and shortly after the foundation of the new Republic in 1923. Many of his ideas were materialized by the

[232] Sayyid Amir 'Ali (1849-1928) also shared with Muhammad Iqbal this vision on Islam's political theory. For further details see ALI, Syed Ameer. 2005 (first edition: 1922). ***The Spirit of Islam***. New Delhi: Kitab Bhavan, and MOHOMED, 2012a.

[233] Once more, I want to thank Nurullah Ardiç, this time for having shared with me the paper he presented at WOCMES 2010, ARDIÇ, Nurullah. 2010b. ***Secularization* alla *Turca: Islamic Fiqh and French Sociology***, paper presented at the World Congress for Middle Eastern Studies, Barcelona, 19-24 July.

policies adopted by the Committee of the Union and Progress (CUP) that mostly dominated the state from the 1908 revolution to the end of World War I, and by the Republican People's Party (RPP) that founded the new Republic and ruled the country for the first twenty seven years of it. Although he never occupied a high political position, Gökalp influenced leading politicians (and the youth) as a public intellectual and ideologue, and his ideas formed the background of the CUP's and the RPP's programmes, and were incorporated into the 1924 Constitution as well.[234] He is generally recognized as the leading ideologue and "father" of modern Turkish nationalism as outlined in his ***Turkification, Islamization, Modernization*** (1918)[235] and especially in ***The Principles of Turkism*** (1923).[236]

Gökalp was also the founder of sociology in Turkey, following Durkheim not only in the content and orientation of his own ideas, but also in establishing sociology as a discipline, and translating Durkheim's major works into Ottoman Turkish. His interest in the Durkheimian sociology and Comtean positivism coincided with the CUP government's positivistic ideology that found sociology, particularly ethnographic studies, useful in terms of "saving" the state and modernizing the society. Gökalp thus emphasized Sociology's significance within the context of the transformation of Ottoman society and considered it indispensable for his intellectual-political project based on Turkish nationalism, which was also congruent with the CUP's Turkist cultural policy, and, later, with Kemalist nationalism.

Of Kurdish origin, Gökalp was born in Diyarbakir, a cosmopolitan urban centre with Arab, Persian and Turkish cultural influences felt during the 19th century, and raised in a rich intellectual environment where there was a lively debate among the late Ottoman intellectuals that centred on the problem of the conflict between Islam and the modern Western civilization. At that time there were three main currents of thought: 1) those who argued for the compatibility of modernity with the

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[234] For further details on the Constitution of 1924, see EARLE, Edward Mead. 1925. "The new Constitution of Turkey" in ***Political Science Quarterly***, V. 40, issue 1 (Mar.). New York: The Academy of Political Science, pp. 73-100.

[235] GÖKALP, Ziya. 1918. ***Türkleşmek, islāmlaşmaḳ, mu'āṣirlaşmaḳ***. Istanbul: Yeñi Mecmū'a.

[236] GÖKALP, Ziya. 1923. ***Türkciliğiñ esāslari***. Ankara: Maṭbu'āt ve İstihbārāt Maṭba'asi. Translated from the Turkish and annotated by Robert Devereux. GÖKALP, Ziya. 1968. ***The Principles of Turkism***. Leiden: E.J. Brill.

principles of Islam and for the preservation of the traditional values (the Islamists); 2) those who urged for a complete Westernization and rejection of the traditional order (secularists or the "Westernists"); and 3) those who longed for the romantic ideal of ethnic unity of Turks and preached a return to the pre-Islamic era (the "Turkists").

The problem of the harmonization of modernity with Islam was also Gökalp's main concern. He joined none of the above currents at the beginning, but followed a middle path, being influenced by, and then influencing, all three of them. Later, however, he chose Turkism as the right path, and even became the intellectual leader of that ideology. Gökalp's ultimate aim was to synthesize Islam with Turkish nationalism on the one hand, and with Western modernity, on the other, famously expressed in his motto, "Turkification, Islamization, and Modernization" (the title of his major work published in 1918), an idea borrowed from Huseyinzade 'Ali (1864-1942) and Yusuf Akçura (1876-1935), members of the CUP and two of the founders of Turkish nationalism. This evolutionist and assimilationist form of Turkism proposed that religion and the Ottoman past should be integrated into the modern Turkish identity. This idea of synthesis also constituted the background of his crucial distinction between "culture" (*hars*) and "civilization" (*medeniyet*), which he borrowed from German philosophy, particularly Herder (1744-1803). He argued that a viable solution for Turkey's crisis could be found in integrating its *culture*, which would be a mixture of Islam and Turkish nationalism, into the (universal) *civilization* represented by modern Europe. Hence the major argument in his eclectic work: Islam, which constituted the basis of Turkish culture, could be adjusted to the exigencies of modern civilization. Here, his basic assumption was that Islam and (secular) modernity could be accommodated. Gökalp presented his views on Islamic law with a series of articles under the title "Social Methodology of Jurisprudence" (*İctimai Usul-i Fıkıh*) published in ***İslam Mecmuası*** [***The Journal of Islam***], a bi-monthly journal that he founded in 1914 and issued until 1917. The journal was sponsored by the CUP, and was the main medium through which Gökalp's ideas, as well as those of the Committee, were disseminated. Moreover, he published some unsigned articles possibly in cooperation with Halim Sabit, the editor of the journal. Sabit, besides writing several articles expounding and developing Gökalp's ideas on religion, would influence Muhammad Iqbal, as it will be seen below.

Gökalp's discussion on Islamic law aimed to secularize it, distinguishing between the two bases of Islamic *Shari'a*: revelation and society. Religion determined the goodness or badness of actions using two criteria, *nass* [text] and *örf* [mores]. The *nass* was expressed in the ***Qur'an*** and in the *Sunna* of the Prophet, while *örf* was the conscience of the society expressed in the actual conduct and living of the community. For Gökalp, according to Islamic jurisprudence and under necessity, *örf* could take the place of *nass.* Therefore, on the one hand, *fiqh* [Islamic jurisprudence] was based on revelation, and, on the other hand, on society. In other words, Islamic *Shari'a* was both divine and social, and the social principles of *fiqh*, on the other hand, were subject to transformations taking place in the forms and structures of society, and hence subject to changes along with society. Gökalp also argued that the rules of the *Shari'a* regarding worldly matters should be derived from the existing socio-historical conditions and should merely be "a derivative of the *örf.*" This discursive strategy and technique involved identifying the sources of *fiqh* as "traditional (*nakli*) *shari'a*" and "social *shari'a*", which implied the historicization of religion. By doing this, Gökalp maintained the significance of social change in terms of its impact on religious practices and understanding of the sacred texts. However, he justified this (secular) claim religiously, by arguing that social change and evolution were a manifestation of the "will of Allah".

The social context of the texts written by Gökalp was one of heated intellectual debates over the relationship between Islam and modernity, and of political struggles for the future of the Ottoman state. The relationship between religion and society was a hot topic constituting an important matter of debate among the Ottoman intellectuals after the 1908 revolution. Gökalp's ideas regarding the *fiqh* and the relationship between the *nass* and the *örf* were extensively criticized and disputed by both modernist and traditionalist intellectuals, such as Ismail Hakki (1881-1916) and Sa'id Halim Pasha (1865-1921), especially from the point of view of the classical Islamic sciences. Gökalp's ideas were part of a political as well as intellectual project that eventually won over his critics, with the help of the government and political actors of the time. The CUP's policy of interfering with religion was justified, however, as an attempt to revitalize Islam, and a means of substituting superstition with true religion. Gökalp's strategy involved a re-construction of the Islamic jurisprudence as an object of knowledge in the texts, by

reclassifying the *Shari'a*, re-evaluating its components (the *nass* and the *örf*) and by attaching new meanings to them (for example, the "temporal affairs" were transformed into the "divine *Sunna*" [way of God]), and finally, the hierarchy between the two was first disturbed and then re-established in a new light, putting the *örf* over the *nass*.

Gökalp also introduced a new concept, that of "*İctimai Usul-i Fıkıh*" [Social Methodology of Jurisprudence] that helped him in secularizing the nature of the Islamic law, transforming its basis into a social one, and creating a new subject position in the texts for himself and for others (the *'ulama*) by claiming that only sociologists (or social scientists) should be concerned with those aspects of the *Shari'a* that applied to this world, and the authority of the traditional *'ulama* should be limited to the other-worldly matters. Finally, he defended that the "social fundamentals" of *fiqh* had to adapt in accordance with the necessities of life. His project of "Social Methodology of Jurisprudence" indicates a general political strategy: adaptation of Islam to modernity by reforming its various principles and institutions. The implicit presupposition in his proposal, which was based on his version of the Durkheimian social theory, was that religion should function to maintain social order, as simply one of the institutions constituting society rather than as the fundamental frame of reference. This concept was based on a functionalist view of religion in society, and an evolutionist view of history, where religion was supposed to evolve, together with other institutional "parts" of the society, and to adapt to new historical conditions, in order to contribute to social cohesion and the better functioning of the society, which was assumed to be a compact whole.

Sociology entered the Ottoman Empire in the second half of the 19th century, and evolved as an alternative to the Islamic *fiqh*. It became part of the school curriculum in 1914 in the Istanbul *Darulfünun* (University) though it had been taught in some Western-style high schools before that. The first Institute of Sociology (*İctimaiyat Darul Mesaisi*) was founded in 1915, and it started the publication of the first sociological journal, *İctimaiyat Mecmuası* [*Journal of Sociology*], in 1917. Other, quasi-academic journals, such as Abdullah Cevdet's (the first socialist thinker in Turkey, 1869-1932) *İctihad*, also published social-science related articles in the Second Constitutional period, which began in 1908. Starting from this period, the

development of sociology during several decades was heavily influenced by 19th century French positivism, particularly by Le Bon, Comte and Durkheim, as in the case of Gökalp, whose discursive strategy would soon be put into action by the CUP leadership (of which he was a political adviser) that wanted to further secularize the state by removing the office of the *Şeyhülislam* (*Meşihat*) from the cabinet and completely trim its authority. The *Şeyhülislam* was created as a state institution in the 15th century and mostly functioned as the religious office that justified (and, theoretically, checked) Sultans' policies to make them compatible with the *Shari'a*. During the modern period (after the adoption of the cabinet system and the *Tanzimat* reforms in 1839), the *Şeyhülislam* was still part of the government, enjoying some degree of political and ideological power. After 1871, however, the *Şeyhülislam* lost his control over "non-religious" courts (*Mehakim-i Şer'iyye*) when they were attached to the Ministry of Justice, creating a bifurcation in the judiciary. Though the institution was tightly controlled by the powerful Sultan Abdul Hamid II, the *Şeyhülislam* continued to control the *madrasa* system during his reign (1876-1909).

After the 1908 Revolution[237], the Unionists lowered the status of the *Meşihat* by first making it a ministry in the cabinet in 1911 and then removing it from the cabinet and completely abrogating its authority over the judiciary and education in 1917. This last move by the CUP was based on a report written by Gökalp (1917) who suggested that religious courts should be administered by the Ministry of Justice and higher education by the Ministry of Education instead of the *Meşihat*, which the CUP immediately materialized through a law passed on 12th March, 1917. In a report written two years before, based on the distinction between piety (*diyanet*) and jurisprudence (*kaza*) in Islamic legal literature, Gökalp claimed that the former contained the principles related to faith, worship and morality whereas the latter pertained to social, economic and political affairs. Thus, he concluded, as a religious institution *par excellence*, the *Şeyhülislam*'s office should be concerned with the former part of religion and thus have no authority over the latter, which would be taken care of by the Ministry of Justice. This "strategic intervention" into the Islamic *fiqh* by Gökalp as part of his "theological engineering" aimed to secularize the

[237] For more details on the 1908 Revolution, also known as the Young Turks Revolution, see HANIOGLU, M. Sükrü. 2001. ***Preparation for a revolution: the Young Turks, 1902-1908***. New York: Oxford University Press.

Ottoman political system by instrumentally employing an Islamic discourse, which involved as its main "discursive technique" exploiting an already-existing distinction for secular(ist) purposes.

Gökalp later clarified his view on the relationship between state and religion in two reports he wrote for the 1916 convention of the Party of the Union and Progress. In the first report, written in that same year, and which was entirely included into the Party programme, he argued that two opposite views on the modernization and Westernization had emerged in the CUP's 1916 convention, "the zealots of Europeanism" and "the zealots of scholasticism", *i.e.*, those who believed that the principles of Islam should be dropped altogether versus those who argued that the Western civilization ought to be rejected completely, respectively. Both assumed that the principles of Islam and those of the modern civilization were incompatible. The Westernists and the *Tanzimat* reformers represented the first view, and the Islamists the second one. Based on the discourse of the compatibility of Islam with modernity, Gökalp criticized both views arguing instead that it was not possible in terms of the functioning of society neither to drop religion entirely nor to dispense with the necessities of contemporary civilization. He also added that Islam, based on reason and sociology, was not in conflict with modernity.

In the second report, published in 1917, Gökalp made a comparison of Christianity and Islam, arguing again for the compatibility of Islam with the modern civilization: since Islam, unlike Christianity, included politics within religion, *i.e.* there was no separation between the religious and the secular authority (the sacred and the profane), he argued that no conflict emerged between these two in the "Islamic state," and hence it was already a modern state. He argued that since "Islam had brought state, law, and court into the realm of the sacred" there was no duality of the sacred and the profane, and thus "there is only one government in Islam (…) the judicial government of the Caliphs". Although he celebrated the separation of the Caliphate from the monarchy, in 1922, Gökalp still embraced the Caliphate, claiming that this (secular) move would both protect Islam and glorify the Caliph's position. Furthermore, he explained the emergence of the modern state initially in the West, rather than in the Islamic world, with reference to the similarities between Islam and Protestantism, or rather, the putative integration of the Islamic principles into

Protestantism, and the imitation of the former by the latter rejecting "all institutions which had existed in [Catholic] Christianity as contrary to the principles of Islam." Protestantism for him was merely an "Islamicized form of Christianity".[238]

In 1922, Abdul Majid (1868-1944) had been elected, by the Turkish Great National Assembly, to a Caliphate which was expressly divested of all the attributes of political sovereignty (the Assembly having arrogated these to itself) and was confined to "spiritual" powers. The year after, the Ottoman Sultanate, or Monarchy, was abolished, the Turkish Republic established and, in 1924, the Turkish National Assembly went farther and put an end to the Caliphate, an institution established after Prophet Muhammad's death and which symbolised, although theoretically, the unity of all Muslims of the world, particularly the Sunni. However, the Caliphate was such a symbolical and powerful tool for many Muslims who were living under colonial rule, with many having an emotional attachment to it, and viewing it as a symbol of a future political unity of the Muslim world, that two proeminent Shi'a, Sayyid Amir 'Ali and the spiritual leader of the Isma'ili community, the Aga Khan III, Sultan Muhammad Shah (1877-1957), asked Mustafa Kemal (Atatürk, 1881-1938) not to do such a thing. The abolition of the Caliphate had seismic effects, particularly in India, by then a British dominion, and provoked a lot of debate, not only in the Arab world but also inside the Indian Muslim community, who was divided into many trends.

In 1925, the Egyptian *qadi* 'Ali 'Abd-ul-Raziq (1888-1966), from the Azhar University in Cairo, one of the oldest and most important universities in the Muslim world, wrote a book, ***Al-Islam wa Usul al-Hukm*** (***Islam and the Foundations of Government***)[239], in which he talked about the historical institution of the Caliphate, criticising it and defending the consensus of the community as the transformational power of juridical and political change. For him, the decision by Turkey to abolish the Caliphate was justified, since it was not needed, creating great controversy when he explicitly stated that there was no basis for the Caliphate in either the ***Qur'an*** or in the *Hadith* (Traditions of the Prophet). He also concluded that there was nothing un-

[238] For further details see ARDIÇ, 2010b, and ARDIÇ, Nurullah. 2012. ***Islam and the Politics of Secularism: The Caliphate and Middle Eastern Modernization in the early 20th century***. Oxford: Routledge.

[239] AL-RAZIQ, 1925.

Islamic about not having a Caliphate: Islam and Muslims could get along very well without any Caliphs to rule over them.

In 1926, the Al-Azhar University hosted the "Congress of the Caliphate" in order to re-establish it. Largely attended by Egyptians and Palestinian Arabs, with minimal representation from elsewhere in the Muslim world, the Cairo Congress advanced King Fuad I (installed by the British in 1922 as king of Egypt, nominally independent under a British protectorate), as a candidate for Caliph. The Congress quickly broke down into largely procedural debates, yet managed to deny Fuad's bid, with many considering him an "imperial stooge" and, at the Pan-Islamic Congress in Mecca, also in 1926, the delegates were not able to choose a Caliph, a title which has remained vacant since.[240]

As shall be seen now, all these debates had a profound impact on Muhammad Iqbal's writings and thought.

III.4. Islam and Nationalism in Muhammad Iqbal

For Muhammad Iqbal, the individual, the basic unit of Muslim society, was mandated by the ***Qur'an*** (2:30) as God's vicegerent with the mission of carrying out God's will on Earth. Muslims shared in this continuous process of creation, bringing order from chaos, in an effort to produce a model-society to be emulated by others: the individual was elevated through the community and this, the community, was organized by the individual.

In the centre of Iqbal's vision on Islam was the concept of *Tawhid* (Oneness), applied not only to God's own nature but also in its relation with the world. Because God is an only creator, sustainer and judge of the Universe, God's will or law also governs all aspects of its creation and should be realised in all areas of life. This belief was the base for Iqbal's vision of the community as a religiopolitical state and for the supremacy of Islamic law in Muslim society. Basing himself on the prophetic

[240] LIEBL, Vernie. 2009. "The Caliphate" in ***Middle Eastern Studies***, V. 45, n. 3. Oxfordshire: Taylor and Francis, pp. 373-391.

tradition which says that the "whole of the earth is a mosque", and in the role of Muhammad as a leader of the state in Medina, Iqbal concluded that "all which is secular is for that reason sacred in the roots of its existence", without separation of the spiritual and the temporal. Church and State were not the two sides of the same thing, because Islam was an unanalysable singular reality, patent in the law, and the *Shari'a* was, for Iqbal, a comprehensive guide for a society.

During the nineteenth century, Islamic law, with the exception of family law, had been replaced in many Muslim countries with European codes. In the Indian sub-continent the interaction between Islamic and British laws had produced the Anglo-Muhammadan law, mainly based on British Common Law. Convinced that Islam's survival, and that the role of the Muslim community as a political and moral force, as well as its unity and life, in India, were dependent on the centrality of Islamic law, Iqbal emphasized to Muhammad 'Ali Jinnah the future need for a state or states for the Muslims of India. However, Iqbal did not have in mind the simple restoration of law as it was framed in the doctrines of schools of law. For him, Islam's way of life was dynamic and open to change, and a differentiation was made between the eternal and immutable principles of the *Shari'a* and those which were a product of human interpretation and, for that reason, subjected to change.

Iqbal faced Islam's condition as "dogmatic slumber" which had produced five centuries of immobility due to blind obedience to tradition. Believing that the restoration of Islamic vitality required the "reconstruction" of the sources of Islamic law, he acknowledged at the same time the role of the *'Ulama* in the past, blaming them for the conservatism of what had characterized Islam since the fall of Baghdad in 1258. With the perpetuation of what Iqbal called the fiction of closing the doors of *Ijtihad*, the *'Ulama* had stopped the dynamical process of reinterpretation and reapplication of Islamic principles to new situations, being satisfied with simply perpetuating established traditions.

So, Iqbal rejected the centuries' old trend of considering Islamic law as permanent and sacred and, like others, he believed that Muslims should, once more, reaffirm their right to *Ijtihad*, that is, of reinterpreting and reapplying Islam to changing social conditions, a right which belonged to each and every Muslim who

was qualified for that, and not only to the *'Ulama*. Iqbal also believed that the traditional criteria used to designate someone as an interpreter were both self-serving and short-sighted: the *'Ulama*'s incapacity in broadening their training had left them ill-prepared for resolving many new and modern questions. For those reasons, Iqbal expanded and redefined *Ijtihad* and *Ijma*, suggesting that the right of interpreting and applying Islam to the community should be transferred from the *'Ulama* to an assembly or national legislature. This collective or corporate *Ijtihad* would be the authorative consensus (*Ijma*) of the community. In this way, he also transformed the meaning of community's consensus from its traditional form, the accord of religious leaders and specialists, to a modern one, that of the modern legislative assemblies, whose majority of members would have a better knowledge of contemporary issues. Iqbal also recommended that, having in mind the complex nature of many modern problems, the legislature should seek the counsel of specialists of traditional and modern disciplines.[241]

For Iqbal, since equality and brotherhood of the faithful were central aspects of Islam, democracy was its more important political ideal, which led him to say that England embodied this "Muslim" quality: "Democracy has been the great mission of England in modern times…. It is one aspect of our own political ideal that is being worked out in it. It is… the spirit of the British Empire that makes it the greatest Muhammadan Empire in the world."[242]

The bases for an Islamic democracy, *i.e.*, equality and brotherhood of all Muslims, were contrary to the notion of nationalism. Although an Indian nationalist when young, Iqbal dedicated himself in later times to Pan-Islamism. Besides considering territorial nationalism as antitethical against the universal brotherhood established by the Prophet Muhammad and embodied in the Caliphate, Iqbal viewed nationalism as an instrument used by colonialism to dismember the Muslim world. Islam's political idea, according to Iqbal, was one of transnational community which transcended ethnical, racial and national bonds, based on an internal cohesion which stemmed from the community's religious-political ideal unity. Iqbal rejected earth-rootedness, the notion of native country and place, devaluing the Arabian context of

[241] VOLL, 1994: pp. 234-235.

[242] IQBAL, 1908b.

primitive Islam, and cutting the *Umma* from any concrete embodiment of ideal relation between *millat* (religious community) and *qaum* (nation), with the possible exception of the time of the first four Caliphs (632-661 C.E.), seeing it as the expression of a spiritual vision, in the centre of which was the Prophet. The argument that Muhammad's community was a new creation was based partially in the belief that religion, contrary to art, politics and social institutions, was foundational for the society that he developed.[243] The brutality of the First World War and the aggressive nationalisms in Europe, which would lead to the Second World War and to colonial and imperial exploitation in other parts of the world, was the main reason for Iqbal's gradual transformation from Indian nationalist to Muslim nationalist, which can be assessed by reading some of his poems, especially the following excerpt from *Rumuz-I Bekhudi*[244]:

Our Essence is not bound to any Place;
The vigour of our wine is not contained
In any bowl, Chinese and Indian
Alike the sherd that constitutes our jar,
Turkish and Syrian alike the clay
Forming our body, neither is our heart

Of India, or Syria, or Rum,
Nor any fatherland do we profess
Except Islam

…….

Thou art a Muslim, do not bind thy heart
To any clime, nor lose thyself within
This world dimensionate. The Muslim true
Is not contained in any land on earth;

[243] WAUGH, Earle H. 1983. "Images of Muḥammad in the Work of Iqbal: Tradition and Alterations" in ***History of Religions***, V. 23, n. 2 (Nov.). Chicago: The University of Chicago Press, pp. 156-168.

[244] The full poem, from 1918, is available in its English translation, by Arthur J. Arberry, in IQBAL, Muhammad. 1918. ***Asrar-e-Khudi*** [***The mysteries of selflessness. A philosophical poem***], translated, with introduction and notes, by Arthur J. Arberry.

Syria and Rum are lost within his heart
Grasp thou the heart, and in its vast expanse
Lose this mirage of water and of clay.
Our Master, fleeing from his fatherland,
Resolved the knot of Muslim nationhood.

Like al-Afghani and others, Iqbal's pan-Islamic compromise was moderated by political realism. He accepted the need for Muslims to gain national independence, but believed that, as a family of nations based upon a common spiritual heritage, common ideas and law - the *Shari'a* - they should form their own League of Nations. Applying this reasoning to the situation of Muslim Indians, in 1930, he concluded that internal communitary harmony between Hindus and Muslims was impossible. Iqbal was convinced that the threat of Hindu rule in an independent India needed the establishment of a separate region for Muslim Indians, so they could preserve their distinctive identity and way of life: "The nature of the Prophet's religious experience as disclosed in the ***Qur'an*** is wholly different from that of Christianity. It is an individual experience creative of a social order. Its immediate outcome is the fundamentals of a polity with implicit legal concepts whose civic significance cannot be belittled merely because their origin is revelational. The religious ideal of Islam is organically related to the social order which it has created. The rejection of the one will eventually involve the rejection of the other. Therefore the construction of a polity on [Indian] national lines, if it means a displacement of the Islamic principles of solidarity, is simply unthinkable to a Muslim."[245]

As John L. Esposito asserts, if Sayyid Ahmad Khan had been the traditionally educated Muslim who sought to make modern western liberal thought islamically acceptable, Muhammad Iqbal was a modern Muslim, with a western education, who

[245] Quoted in DONOHUE, John J. and ESPOSITO, John L. (eds.). 1982. ***Islam in transition: Muslim perspectives***. New York/Oxford: Oxford University Press, pp. 91-93.

reinterpreted Islam in conjunction with western thought to show its relevancy as a viable alternative to Marxist and Christian European ideologies.[246]

On the occasion of the 25th session of the All-India Muslim League, held in Allahabad and where he was elected as president, Muhammad Iqbal gave an historical speech, on the 29th December 1930, where he devised for the first time the creation of a separate state for the Indian Muslims.[247] Echoing Johann Gottlieb Fichte's ***Addresses to the German Nation***[248], Muhammad Iqbal talked about the question of Islam and Nationalism, saying that for the Muslims of India the main formative force through History had been Islam, which had given them the emotions and basic loyalties which gradually united scattered individuals and groups, transforming them into a well defined people. However, European political thought was rapidly changing the landscape for contemporary Muslims, inside and outside of India, with some Muslims wanting to replicate in their countries the phenomena of nation and the notion of country and territory, as well as the fact that religion was a private matter, independently of the facts that provoked their evolution in Europe, especially the phenomena of Christianity and its relation with politics.

For Iqbal, Islam did not bifurcate the unity of man into an irreconcilable duality of spirit and matter, God and the Universe, Church and State, because each one of these parts was organically related with one another, and the individual was not a citizen of a temporal organization, since he was also spiritual. According to Iqbal, Prophet Muhammad's experience had created a political and social order, based on revelation and, for this reason, Islam's religious ideal was organically connected with the social order that he had created. The rejection of one would mean the rejection of the other. So, the construction of a polity based on national lines, if it meant the replacing of the Islamic principle of solidarity, was simply unthinkable for a Muslim: Indian History had already shown that the different unities of India were not inclined

[246] ESPOSITO, John L. 2010. ***Islam: the straight path***. New York/Oxford: Oxford University Press. Available at http://ikdasar.tripod.com/sa_2000/renaissance/Iqbal/esposito.htm, last accessed 21/02/2012.

[247] IQBAL, Muhammad. 1930. ***Sir Muhammad Iqbal's 1930 Presidential Address to the 25th Session of the All-India Muslim League. Allahabad, 29 December***, reproduced in SHERWANI, 1977: pp. 3-26.

[248] FICHTE, Johann Gottlieb. 1922. ***Addresses to the German Nation***. Chicago and London: The Open Court Publishing Company.

to sink their respective individualities in a larger whole, with each group being intensely zealous of its collective existence.

Addressing the question of the unity of the Indian nation, Iqbal raised the issues of the problem Indian Muslims would face as a minority, in their purposes of applying Islam as a moral, political and ethical ideal, if religion was to be considered a private matter, facing the risk of suffering the same fate as Christianity in Europe. For him, the unity of the Indian nation had to be searched not in the negation of some but in the reciprocal harmony and in the cooperation of many. Although the attempts to find that principle of internal harmony had failed so far, still each group had its own right to a free development according to its lines.

Following this line of thought, Iqbal considered that India was composed by non-territorial unities, contrary to European countries, with human groups belonging to different races, speaking different languages and professing different religions. Their behaviour was not determined by a common racial conscience, and even the Hindus were not a homogenous group. The principle of European democracy could not be applied to India without acknowledging the fact of the existence of communitarian groups. The Muslim demand for the creation of a Muslim India inside India was, for Iqbal and for that reason, totally justified. That State would include the Punjab, North-West Frontier Province, Sind and Baluchistan, with self-government within, or without, the British Empire, and the formation of a consolidated North-West Indian Muslim State appeared to him to be the final destiny of the Muslims, at least those of North-West India. That state would be the best defender against a foreign invasion of India, and Iqbal assured the Hindus that they had nothing to be afraid of the fact that the creation of Muslim autonomous states would meant the introduction of a religious government, since he, Iqbal, had already indicated the meaning of the word "religion" as applied to Islam.

According to Iqbal, Islam was not a church. It was a state conceived as a contractual organism "way before Rousseau" had thought of something like that [as has been seen above when analysing his article of 1910-11], and animated by an ethical ideal that saw man not as a creature rooted in earth, defined by this or that portion of land, but as a spiritual being understood in terms of social mechanism, and

having rights and duties as a living factor in that mechanism. The Muslims of India, who were seventy million, were far more homogeneous, in Iqbal's opinion, than any other people in India, indeed, they were the only Indian people who could fit the description of a nation, in the modern sense of the word: "The Hindus, though ahead of Muslims in almost all respects, had not yet been able to achieve the kind of homogeneity which was necessary for a nation, and which Islam had given to the Muslims as a free gift." On the other hand, Iqbal was against nationalism based on territory, alerting Muslim leaders and politicians not to allow themselves to be carried away by the "subtle but fallacious argument that Turkey and Persia and other Muslim countries were progressing on national, *i.e.* territorial, lines, because the Muslims of India were differently situated": the countries of Islam outside India were homogenous and the minorities there belonged, in the language of the ***Qur'an***, to the "people of the Book", *i.e.*, they were protected. In India, with the caste system, there were social barriers between Hindus among themselves and between Hindus and Muslims.[249]

These issues were again focused in the Presidential Address delivered at the annual session of the All-India Muslim Conference at Lahore, on the 21st March 1932[250], and more developed in his book, ***The Reconstruction of Religious Thought in Islam***.

III.5. Analysis of *The Reconstruction of Religious Thought in Islam*

Originally published as ***Six Lectures on the Reconstruction of Religious Thought in Islam***, published in Lahore, in 1930, and then revised and added with the lecture "Is Religion Possible?" and an Index, this book was then published under the title ***The Reconstruction of Religious Thought in Islam***, in London, in 1934.[251]

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[249] IQBAL, 1930.

[250] IQBAL, Muhammad. 1932. ***Presidential address delivered at the annual session of the All-India Muslim Conference. Lahore, 21st March***.

[251] IQBAL, Muhammad. 1934. ***The Reconstruction of Religious Thought in Islam***. London: Oxford University Press. Edition used New Delhi: Kitab Bhavan, 1974, 6th reimpression, 1998.

Muhammad Iqbal starts by saying, in the "Preface", that the ***Qur'an*** is a book which emphasizes "deed" rather than "idea" and that the modern man and modern mind means a demand for a scientific form of religious knowledge and not the perpetuation of methods which were created for generations possessing a cultural outlook different from their own, *i.e.*, of the 20th century. He, Muhammad Iqbal, tried, with the lectures, undertaken at the request of the Madras Muslim Association, and delivered at Madras, Hyderabad, and Aligarh, to meet, even though partially, that urgent demand by attempting to reconstruct Muslim religious philosophy with due regard to the philosophical traditions of Islam and the more recent developments in the various domains of human knowledge, at a moment quite favourable for such an undertaking, since Classical Physics had learned to criticize its own foundations. As a result of that criticism, the kind of materialism which it originally necessitated was rapidly disappearing; and the day was not far off when Religion and Science may discover hitherto unsuspected mutual harmonies. However, Iqbal was cautious, remembering that there was no such thing as finality in philosophical thinking. As knowledge advanced and fresh avenues of thought were opened, other views, and probably sounder views than those set forth in those lectures, were possible. His duty was to carefully watch the progress of human thought, and to maintain an independent critical attitude towards it.[252]

Iqbal, then, argues that philosophical rationality and religious intuition were complementary ways of understanding the truth, and that belief allowed him to combine a variety of perspectives. So, it was no wonder for him that the younger generation of Islam in Asia and Africa demanded a fresh orientation of their faith. With the reawakening of Islam, therefore, it was necessary to examine, in an independent spirit, what Europe had thought and how far the conclusions reached by her could help the Muslims in the revision and, if necessary, reconstruction, of theological thought in Islam. For Iqbal, it was high time to look to the essentials of Islam and, with these lectures, he proposed to undertake a philosophical discussion of

[252] IQBAL, 1934: pp. V-VI.

some of the basic ideas of Islam, in the hope that this might, at least, be helpful towards a proper understanding of the meaning of Islam as a message to humanity.[253]

In Iqbal's assertion, during the last five hundred years, religious thought in Islam had been practically stationary. There had been a time when European thought received inspiration from the world of Islam, but the most remarkable phenomenon of modern history was the enormous rapidity with which the world of Islam was spiritually moving towards the West. There was nothing wrong in that movement, for European culture, on its intellectual side, was only a further development of some of the most important phases of the culture of Islam. Iqbal's only fear was that the "dazzling" exterior of European culture might arrest Islam's movement and Muslims might fail to reach the true inwardness of that culture. The task before the modern Muslim was, therefore, immense, since the whole system of Islam had to be rethought without completely breaking with the past. According to Iqbal, the first Muslim who felt the urge of a new spirit in him was Shah Wali Allah of Delhi, but the man who fully realized the importance and immensity of the task was Jamal ud-Din al-Afghani, whose deep insight into the inner meaning of the history of Muslim thought and life, combined with a broad vision engendered by his wide experience of men and manners, would have made him a living link between the past and the future. The only course open to Muslims was to approach modern knowledge with a respectful but independent attitude and to appreciate the teachings of Islam in the light of that knowledge, even though they might be led to differ from those who had gone before them.[254]

In the sixth lecture, "The principle of movement in the structure of Islam"[255], the most important in the scope of this research, Iqbal raises several issues, one of them *ijtihad* (independent reasoning), considered by Iqbal as very important as a means of bringing the necessary reconstruction of Islam in the modern world. He greatly admired the Turkish experience under Atatürk, but was very critical of Kemalism for assimilating from Europe the idea of separation between the Church

[253] IQBAL, 1934: pp. 7-8.

[254] IQBAL, 1934: pp. 95-97.

[255] IQBAL, 1934: pp. 146-180.

and the State, without understanding that it suggested a dualism that did not exist in Islam.[256]

According to Iqbal, Islam, as a cultural movement, rejected the old static view of the universe, and reached a dynamic one. As an emotional system of unification it recognised the worth of the individual as such, and rejected blood relationship as a basis of human unity, because it was earth-rootedness. The search for a purely psychological foundation of human unity became possible only with the perception that all human life was spiritual in its origin. Such a perception was creative of fresh loyalties, without the need of any ceremonial to keep them alive, and made it possible for man to emancipate himself from the earth. Christianity, which had originally appeared as a monastic order, was tried by Constantine as a system of unification. Its failure to work as such a system drove the Emperor Julian to return to the old gods of Rome on which he attempted to put philosophical interpretations. It was in a particular context that Islam came to existence. Islam, as a polity, was only a practical means of making the principle of rejection of blood relationship as a basis of human unity a living factor in the intellectual and emotional life of mankind. It demanded loyalty to God, not to thrones. And since God was the ultimate spiritual basis of all life, loyalty to God virtually amounted to man's loyalty to his own ideal nature. The ultimate spiritual basis of all life, as conceived by Islam, was eternal and revealed 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 a foothold in the world of perpetual change. But eternal principles, when they are understood to exclude all possibilities of change, which according to the ***Qur'an*** is one of the greatest "signs" of God, tend to immobilize what is essentially mobile in its nature.[257]

For Iqbal, the failure of Europe in political and social sciences illustrated the former principle; the immobility of Islam during the last five hundred years illustrated the latter. What then was the principle of movement in the structure of Islam? It was

[256] QURESHI, M. Naeem. 1987. "Muslims of British India and the Kemalist reform in Turkey, Iqbal, Jinnah and Atatürk" in ***Atatürk International Symposium***. Ankara; and RAHMAN, Fazlur. 1984. "Muhammad Iqbāl and Atatürk's Reforms" in ***Journal of Near Eastern Studies***, V. 43, n. 2 (Apr.). Chicago: The University of Chicago Press, pp. 157-162.

[257] IQBAL, 1934: pp. 146-148.

Ijtihad, which literally meant to exert. In the terminology of Islamic law it meant to exert with a view to form an independent judgement on a legal question. The idea, Iqbal believed, had its origin in a verse of the ***Qur'an***: "And to those who exert We show Our path" (29:69), and in a tradition of the Prophet. Using some more examples from History, Iqbal asserted that, with the political expansion of Islam, systematic legal thought became an absolute necessity, and the early doctors of law, both of Arabian and non-Arabian descent, worked ceaselessly until all the accumulated wealth of legal thought found a final expression in the recognised schools of Law, which recognised three degrees of *Ijtihad*: 1) complete authority in legislation which was practically confined to the founders of the schools; 2) relative authority which was to be exercised within the limits of a particular school; 3) special authority which related to the determining of the law applicable to a particular case left undetermined by the founders. Iqbal was only concerned with the first degree of *Ijtihad*, *i.e.*, complete authority in legislation, theoretically admitted by the Sunnis, but which in practice had always been denied ever since the establishment of the schools, inasmuch as the idea of complete *Ijtihad* was hedged round by conditions which were well-nigh impossible of realisation in a single individual. Nevertheless the fact that the ***Qur'an*** embodied an essentially dynamic outlook on life, such an intellectual attitude had reduced the Law of Islam practically to a state of immobility and, although some European writers thought that the stationary character of the Law of Islam was due to the influence of the Turks, Muhammad Iqbal contended that the legal schools of Islam had been finally established long before the Turkish influence began to work in the history of Islam. The real causes were, in his opinion, first, the controversy in the early days of the Abbasids between those who defended the eternity of the ***Qur'an*** and those denying it, the Mu'tazilites (the Rationalists, using Iqbal's words, who defended the createdness of the ***Qur'an***); second, the role of Sufism; and, finally, the destruction of Baghdad in 1258 by the Mongols. The consequences of all these factors were the crystallization of the *Shari'a*; the spirit of total other-worldliness in later Sufism obscured men's vision of a very important aspect of Islam as a social polity; and a blind following of the traditional schools, *i.e.*, *taqlid*.[258]

[258] IQBAL, 1934: pp. 148-152.

According to Iqbal, their main purpose was to secure social order, and there was no doubt that they were partly right, since organization did to a certain extent counteract the forces of decay. But they did not see, as the modern *'Ulama* did not see, that the ultimate fate of a people did not depend so much on organization as on the worth and power of individual men. In an over-organized society the individual was altogether crushed out of existence, gaining the whole wealth of social thought around him but losing his own soul: "Thus a false reverence for past history and its artificial resurrection constituted no remedy for a people's decay."[259] The only effective power that counteracted the forces of decay in a people was the rearing of self-concentrated individuals, who alone revealed the depth of life, disclosed new standards in the light of which people begin to see that the environment was not wholly inviolable and required revision. The tendency to over-organization by a false reverence of the past, as manifested in the legists of Islam in the thirteenth century and later, was contrary to the inner impulse of Islam, and consequently invoked the powerful reaction of Ibn Taymiyya, who, for Iqbal, was one of the most indefatigable writers and preachers of Islam, and who had claimed freedom of *Ijtihad* for himself, rising in revolt against the finality of the schools, and went back to first principles in order to make a fresh start, and whose spirit could also be found in Muhammad ibn Abd al-Wahhab in eighteenth century Arabia. The essential thing to note, for Iqbal, was, although conservative in its own fashion and its vision of the past was wholly uncritical, and in matters of law it mainly fell back on the traditions of the Prophet, the spirit of freedom manifested in it.

Iqbal then dwells on the contemporary events in Turkey, which were a good example of how the power of *Ijtihad* was manifested in recent thought and activity. Iqbal found that the idea of *Ijtihad*, reinforced and broadened by modern philosophical ideas, had long been working in the religious and political thought of the Turkish nation, something clear from Halim Sabit's new theory of "Muhammadan Law", grounded on modern sociological concepts. Two main lines of thought in Turkey, represented by the Nationalist Party and the Party of Religious Reform, showed that activity of independent reasoning. The point of supreme interest with the

[259] IQBAL, 1934: p. 151. Here it is apparent how Friedrich Nietzshe's "On the use and abuse of History for life" influenced Iqbal. NIETZSCHE, Friedrich. 1874. "Vom Nutzen und Nachteil der Historie für das Leben" ["On the Use and Abuse of History for Life"] in ***Unzeitgemässe Betrachtungen*** [***Untimely Meditations***]. Leipzig: Verlag von E. W. Fritzsch.

Nationalist Party was above all the State and not Religion, which as such had no independent function. For them, the state was the essential factor in national life which determined the character and function of all other factors. They, therefore, rejected old ideas about the function of State and Religion, and accentuated the separation of Church and State. Iqbal believed that the structure of Islam as a religio-political system did permit such a view, though personally he considered a mistake to suppose that the idea of State was more dominant and ruled all other ideas embodied in its system, since in Islam, the spiritual and the temporal were not two distinct domains, and the nature of an act, however secular in its import, was determined by the attitude of mind with which the agent did it. It was the invisible mental background of the act which ultimately determined its character. An act was temporal or profane if it was done in a spirit of detachment from the infinite complexity of life behind it; it was spiritual if it was inspired by that complexity. It was the same reality which appeared as Church looked at from one point of view and as State from another. It was not true to say that Church and State were two sides or facets of the same thing, because Islam, for Iqbal, was a single not analysable reality which was one or the other as the point of view varied. The Turkish Nationalists had assimilated the idea of separation of Church and State from the history of European political ideas. Primitive Christianity had been founded, not as a political or civil unit, but as a monastic order in a profane world, having nothing to do with civil affairs, and obeying the Roman authority practically in all matters. The result of this was that when the State became Christian, State and Church confronted each other as distinct powers with interminable boundary disputes between them.

Such a thing, in Iqbal's opinion, could never happen in Islam, for Islam was from the very beginning a civil society, having received from the ***Qur'an*** a set of simple legal principles which, like the twelve tables of the Romans, carried, as experience subsequently proved, great potentialities of expansion and development by interpretation. The Nationalist Party's theory of State, therefore, was misleading inasmuch as it suggested a dualism which did not exist in Islam. The Religious Reform Party, on the other hand, led by Sa'id Halim Pasha, insisted on the fundamental fact that Islam was a harmony of idealism and positivism; and, as a unity of the eternal verities of freedom, equality, and solidarity, had no fatherland, stressing

the importance of freedom of *Ijtihad* with a view to rebuild the laws of *Shari'a* in the light of modern thought and experience.

From Iqbal's point of view, that "ancient mistake" arose out of the bifurcation of the unity of man into two distinct and separate realities which somehow had a point of contact, but which were in essence opposed to each other. The truth, however, was that matter was spirit in space-time reference. The unity called man was body when looked at as acting in regard to what was called the external world; it was mind or soul when looked at as acting in regard to the ultimate aim and ideal of such acting. The essence of *Tawhid* (Oneness), as a working idea, was equality, solidarity, and freedom. The State, from the Islamic standpoint, was an endeavour to transform these ideal principles into space-time forces, an aspiration to realize them in a definite human organization. It was in this sense alone that the state in Islam was a theocracy, not in the sense that it was headed by a representative of God on Earth who could always screen his despotic will behind his supposed infallibility. The Ultimate Reality, according to the ***Qur'an***, was spiritual, and its life consisted in its temporal activity. The spirit found its opportunities in the natural, the material, the secular. All that was secular was, therefore, sacred in the roots of its being. The State, according to Iqbal's interpretation of Islam, was simply an effort to realize the spiritual in a human organization. But, in that sense, all State, not based on mere domination and aiming at the realization of ideal principles, was theocratic.

Modern culture, according to Sa'id Halim Pasha, was based on national egoism and, therefore, was only another form of barbarism, being the result of an over-developed industrialism through which men satisfied their primitive instincts and inclinations. Halim Pasha deplored that during the course of history the moral and social ideals of Islam had been gradually deislamicized through the influence of local character, and pre-Islamic superstitions of Muslim nations. Those ideals then [1930s] were more Iranian, Turkish, or Arabian than Islamic, and the pure brow of the principle of *Tawhid* had received more or less an impress of heathenism, and the universal and impersonal character of the ethical ideals of Islam had been lost through a process of localization. The only alternative opened to them was to tear off from Islam "the hard crust which has immobilized an essentially dynamic outlook on life, and to rediscover the original verities of freedom, equality, and solidarity with a view

to rebuild our moral, social, and political ideals out of their original simplicity and universality."[260]

To illustrate his ideas, Muhammad Iqbal then raises the issue of the abolition of the Caliphate in 1924. Although a pan-Islamist, and one of the most vocal supporters of the Caliphate, Iqbal wrote that the decision of the Turkish Assembly was justified, that the political system of Islam was republican, and that that decision had been an exercise of the power of *Ijtihad*.

"Let us now see how the Grand National Assembly has exercised this power of *Ijtihad* in regard to the institution of Khilafat [Caliphate]. According to Sunni Law, the appointment of an Imam or Khalifa is absolutely indispensable. The first question that arises in this connexion 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 Imamate can be vested in a body of persons, or an elected Assembly. The religious doctors of Islam in Egypt and India, as far as I know, have not yet expressed themselves on this point. Personally, I believe the Turkish view is perfectly sound. It is hardly necessary to argue this point. The republican form of government is not only thoroughly consistent with the spirit of Islam, but has also become a necessity in view of the new forces that are set free in the world of Islam."[261]

In order to understand the Turkish view on the Caliphate, Iqbal uses Ibn Khaldun's theory, who mentions in his ***Muqadimma*** three distinct views of the idea of Universal Caliphate in Islam: 1) That Universal Imamate was a Divine institution, and was consequently indispensable; 2) That it was merely a matter of expediency; 3) That there was no need of such an institution, a view taken by the Kharijites. For Iqbal, modern Turkey had shifted from the first to the second view, *i.e.*, to the view of the Mu'tazilah who regarded a Universal Imamate as a matter of expediency only.

"The Turks argue that in our political thinking we must be guided by our past political experience which points unmistakably to the fact that the idea of Universal Imamate has failed in practice. It was a workable idea when the Empire of Islam was

[260] IQBAL, 1934: pp. 153-156.

[261] IQBAL, 1934: p. 157.

intact. Since the break-up of this Empire independent political units have arisen. The idea has ceased to be operative and cannot work as a living factor in the organization of modern Islam. Far from serving any useful purpose it has really stood in the way of a reunion of independent Muslim States. Persia has stood aloof from the Turks in view of her doctrinal differences regarding the Khilafat; Morocco has always looked askance at them, and Arabia has cherished private ambition. And all these ruptures in Islam for the sake of a mere symbol of a power which departed long ago. Why should we not, they can further argue, learn from experience in our political thinking? For the present every Muslim nation must sink into her own deeper self, temporarily focus her vision on herself alone, until all are strong and powerful to form a living family of republics. A true and living unity, according to the nationalist thinkers, is not so easy as to be achieved by a merely symbolical overlordship. It is truly manifested in a multiplicity of free independent units whose racial rivalries are adjusted and harmonized by the unifying bond of a common spiritual aspiration. It seems to me that God is slowly bringing home to us the truth that Islam is neither Nationalism nor Imperialism but a League of Nations which recognizes artificial boundaries and racial distinctions for facility of reference only, and not for restricting the social horizon of its members."[262]

Iqbal welcomed the liberal movement in modern Islam, but at the same time he alerted to what he considered as its dangers. In his opinion, Liberalism had a tendency to act as a force of disintegration, and the race-idea, which appeared to be working in modern Islam with greater force than ever, could ultimately wipe off the broad human outlook which Muslim people had imbibed from their religion.

"Further, our religious and political reformers in their zeal for liberalism may overstep the proper limits of reform in the absence of check on their youthful fervour. We are today passing through a period similar to that of the Protestant revolution in Europe, and the lesson which the rise and outcome of Luther's movement teaches should not be lost on us. A careful reading of history shows that the Reformation was essentially a political movement, and the net result of it in Europe was a gradual displacement of the universal ethics of Christianity by systems of national ethics. The result of this tendency we have seen with our own eyes in the Great European War

[262] IQBAL, 1934: pp. 157-162.

which, far from bringing any workable synthesis of the two opposing systems of ethics, has made the European situation still more intolerable. It is the duty of the leaders of the world of Islam today to understand the real meaning of what has happened in Europe, and then to move forward with self-control and a clear insight into the ultimate aims of Islam as a social polity." According to Iqbal, the ***Qur'an*** considered it necessary to unite religion and state, ethics and politics in a single revelation much in the same way as Plato did in his ***Republic***. Islam was non-territorial in its character, and its aim was to furnish a model for the final combination of humanity by "drawing its adherents from a variety of mutually repellent races, and then transforming this atomic aggregate into a people possessing a self-consciousness of their own." To do that, to attain that goal, it was necessary to reinterpret the foundational legal principles, a claim made by the "present generation of Muslim liberals", in the light of their own experience and the altered conditions of modern life.[263]

III.5.1. The capability of evolution in the Law of Islam

"I have given you some idea of the history and working of *Ijtihad* in modern Islam. I now proceed to see whether the history and structure of the Law of Islam indicate the possibility of any fresh interpretation of its principles. In other words, the question that I want to raise is: Is the Law of Islam capable of evolution?" The answer, for Iqbal, was that, with the return of new life, "the inner catholicity [universality] of the spirit of Islam is bound to work itself out in spite of the rigorous conservatism of our doctors. And I have no doubt that a deeper study of the enormous legal literature of Islam is sure to rid the modern critic of the superficial opinion that the Law of Islam is stationary and incapable of development. Unfortunately, the conservative Muslim public of this country [India] is not yet quite ready for a critical discussion of *Fiqh*, which, if undertaken, is likely to displease most people, and raise sectarian controversies; yet I venture to offer a few remarks on the point before us."[264]

[263] IQBAL, 1934: pp. 162-163.

[264] IQBAL, 1934: pp. 163-165.

Using History, Iqbal attempted to show that, from the earliest times practically up to the rise of the Abbasids, there was no written law of Islam apart from the ***Qur'an***, and that from about the middle of the first century after Prophet Muhammad up to the beginning of the fourth century "not less than nineteen schools of law and legal opinion appeared in Islam", a fact which, alone, in itself was sufficient to show how incessantly the early doctors of law worked in order to meet the necessities of a growing civilization. With the expansion of conquest and the consequent widening of the outlook of Islam, those early legists had to take a wider view of things, and to study local conditions of life and habits of new peoples that came within the fold of Islam. In the light of contemporary social and political history, a careful study of the various schools of legal opinion would reveal that they had gradually passed from the deductive to the inductive attitude in their efforts at interpretation. By studying the four accepted sources (the ***Qur'an***, the *Hadith*, *Ijma* and *Qiyas*) of "Muhammadan Law" and the controversies which they invoked, the supposed rigidity of the recognized schools would evaporate and the possibility of a further evolution became perfectly clear. Iqbal then expands on each one of them.

III.5.2. The sources of Law in Islam

III.5.2.1. The *Qur'an*

For Iqbal, the primary source of the Law of Islam was the ***Qur'an***, although it was not a legal code, for its main purpose was "to awaken in man the higher consciousness of his relation with God and the universe. No doubt, the ***Qur'an*** does lay down a few general principles and rules of a legal nature, especially relating to the family - the ultimate basis of social life. But why are these rules made part of a revelation the ultimate aim of which is man's higher life? The answer to this question is furnished by the history of Christianity which appeared as a powerful reaction against the spirit of legality manifested in Judaism. By setting up an ideal of

otherworldliness it no doubt did succeed in spiritualizing life, but its individualism could see no spiritual value in the complexity of human social relations."[265]

From Iqbal's viewpoint, the ***Qur'an*** considered it necessary to unite religion and state, ethics and politics in a single revelation "much in the same way as Plato does in his Republic", but the important point to note in that connexion was its dynamic outlook, which could not be inimical to the idea of evolution. Life was not pure and simple change, because it had within it elements of conservation also. Man, in his forward movement, could not help looking back to his past, facing his own inward expansion with a certain amount of fear.

"The spirit of man in its forward movement is restrained by forces which seem to be working in the opposite direction. This is only another way of saying that life moves with the weight of its own past on its back, and that in any view of social change the value and function of the forces of conservatism cannot be lost sight of. It is with this organic insight into the essential teaching of the ***Qur'an*** that modern Rationalism ought to approach our existing institutions. No people can afford to reject their past entirely, for it is their past that has made their personal identity. And in a society like Islam the problem of a revision of old institutions becomes still more delicate, and the responsibility of the reformer assumes a far more serious aspect. Islam is non-territorial in its character, and its aim is to furnish a model for the final combination of humanity by drawing its adherents from a variety of mutually repellent races, and then transforming this atomic aggregate into a people possessing a self-consciousness of their own. [...] Turning now to the groundwork of legal principles in the ***Qur'an***, it is perfectly clear that far from leaving no scope for human thought and legislative activity the intensive breadth of these principles virtually acts as an awakener of human thought. Our early doctors of law taking their clue mainly from this groundwork evolved a number of legal systems; and the student of Muhammadan history knows very well that nearly half the triumphs of Islam as a social and political power were due to the legal acuteness of these doctors. But with all their comprehensiveness these systems are after all individual interpretations, and as such cannot claim any finality. I know the *'Ulama* of Islam claim finality for the popular schools of Muhammadan Law, though they never found it possible to deny

[265] IQBAL, 1934: pp. 165-166.

the theoretical possibility of a complete *Ijtihad*. I have tried to explain the causes which, in my opinion, determined this attitude of the *'Ulama*, but since things have changed and the world of Islam is confronted and affected today by new forces set free by the extraordinary development of human thought in all its directions, I see no reason why this attitude should be maintained any longer. Did the founders of our schools ever claim finality for their reasonings and interpretations? Never. The claim of the present generation of Muslim liberals to reinterpret the foundational legal principles, in the light of their own experience and the altered conditions of modern life is, in my opinion, perfectly justified. The teaching of the ***Qur'an*** that life is a process of progressive creation necessitates that each generation, guided but unhampered by the work of its predecessors, should be permitted to solve its own problems."[266]

III.5.2.2. The *Hadith*

The second great source of Muslim Law was the traditions of Prophet Muhammad, subject of great discussion both in ancient and modern times. Iqbal cites some European researchers of his time who questioned their historical authenticity. "Among their modern critics Professor Goldziher has subjected them to a searching examination in the light of modern canons of historical criticism, and arrives at the conclusion that they are, on the whole, untrustworthy. Another European writer [Nicolas Prodromou Aghnides], after examining the Muslim methods of determining the genuineness of a tradition, and pointing out the theoretical possibilities of error, arrives at the following conclusion: 'It must be said in conclusion that the preceding considerations represent only theoretical possibilities and that the question whether and how far these possibilities have become actualities is largely a matter of how far the actual circumstances offered inducements for making use of the possibilities. Doubtless, the latter, relatively speaking, were few and affected only a small proportion of the entire Sunnah. It may therefore be said that . . . for the most part the

[266] IQBAL, 1934: pp. 166-168.

collections of Sunnah considered by the Moslems as canonical are genuine records of the rise and early growth of Islam (***Mohammedan Theories of Finance***).'"[267]

For his purposes, Iqbal wanted to distinguish the traditions of a purely legal import from those which were of a non-legal character. Regarding the former, a very important question arose as to how far they embodied the pre-Islamic usages of Arabia which were in some cases left intact, and in others modified by the Prophet. It was difficult to make this discovery, for the early writers did not always refer to pre-Islamic usages, nor was it possible to discover them, which were left intact by express or tacit approval of the Prophet, and were intended to be universal in their application. Iqbal uses Shah Wali Allah, reproducing the substance of his view, according to which the prophetic method of teaching was that the law revealed by a prophet took especial notice of the habits, ways, and peculiarities of the people to whom he was specifically sent. The Prophet, who aimed at all-embracing principles, however, could neither reveal different principles for different peoples, nor leave them to work out their own rules of conduct. His method was to train one particular people, and to use them as a nucleus for the building up of a universal *Shari'a*. In doing so he accentuated the principles underlying the social life of all mankind, and applied them to concrete cases in the light of the specific habits of the people immediately before him. The *Shari'a* values resulting from this application (e.g. rules relating to penalties for crimes) were in a sense specific to that people; and since their observance was not an end in itself they could not be strictly enforced in the case of future generations.[268]

III.5.2.3. The *Ijma*

The third source of Muslim Law, *Ijma*, was, in Iqbal's opinion, perhaps the most important legal notion in Islam, and he considered strange that that important notion, "while invoking great academic discussions in early Islam, remained practically a mere idea, and rarely assumed the form of a permanent institution in any Muhammadan country." For Iqbal, the reason for that situation was possibly due to

[267] AGHNIDES, Nicolas Prodromou. 1916. ***Mohammedan Theories of Finance***. New York: Columbia University.

[268] IQBAL, 1934: pp. 171-173.

the fact that it was contrary to the political interests of the kind of absolute monarchy that grew up in Islam immediately after the fourth Caliph ('Ali, caliph from 656 to 661). The Umayyad and the Abbasid Caliphs wanted to leave the power of *Ijtihad* to individual *Mujtahids* rather than encourage the formation of a permanent assembly which might become too powerful for them. So, it was with extreme satisfaction that Iqbal saw the pressure of new world-forces and the political experience of European nations, which were impressing on the mind of modern Islam the value and possibilities of the idea of *Ijma*. The growth of the republican spirit and the gradual formation of legislative assemblies in Muslim lands constituted a great step forward, and the transfer of the power of *Ijtihad* from individual representatives of schools to a Muslim legislative assembly which, in view of the growth of opposing sects, was the only possible form *Ijma* could take in modern times and which would secure contributions to legal discussion from "laymen who happen to possess a keen insight into affairs. [...] In this way alone can we stir into activity the dormant spirit of life in our legal system, and give it an evolutionary outlook. In India, however, difficulties are likely to arise for it is doubtful whether a non-Muslim legislative assembly can exercise the power of *Ijtihad*."[269]

Retorting to Aghnides and his claim that *Ijma* could repeal the ***Qur'an***, Iqbal says that there "is not the slightest justification for such a statement in the legal literature of Islam. Not even a tradition of the Prophet can have any such effect. It seems to me that the author is misled by the word *Naskh* in the writings of our early doctors". When used in discussions relating to the *Ijma* of the companions, that word only meant the power to extend or limit the application of a Qur'anic rule of law, and not the power to repeal or supersede it by another rule of law, and even if supposing the companions had unanimously decided a certain point, later generations were not bound by their decision on a question of law and its interpretation.[270]

The legislative activity of a modern Muslim assembly had to consist mostly of men possessing no knowledge of the subtleties of "Muhammadan Law", which could make "grave mistakes" in their interpretation of law. In order to avoid erroneous

[269] IQBAL, 1934: pp. 173-174.

[270] To justify his position, Iqbal then cites al-Shawkani, who, as we have seen in chapter I, was very influential in the 18th century.

interpretations of the Law, Iqbal considered important to reform the system of legal education in Muslim countries, to extend its sphere and to combine it with an "intelligent study of modern jurisprudence." At the same time, and in order to at least reduce the possibilities of erroneous interpretation, Iqbal considered that the *'Ulama* should form a vital part of a Muslim legislative assembly helping and guiding free discussion on questions relating to law. However, this situation, and as the Persian constitution of 1906 had shown, by providing a separate "ecclesiastical committee" of *'Ulama*, "conversant with the affairs of the world", which had power to supervise the legislative activity of the Majlis [Assembly], was, in Iqbal's opinion, a dangerous arrangement but probably necessary in view of the Persian constitutional theory, according to which the king was a mere custodian of the realm which really belonged to the Absent Imam. The *'Ulama*, as representatives of the Imam, considered themselves entitled to supervise the whole life of the community, though Iqbal failed to understand how, in the absence of an apostolic succession, did they establish their claim to represent the Imam. This arrangement was not free from danger, and could be tried, but only as a temporary measure in Sunni countries.[271]

III.5.2.4. The *Qiyas*

The fourth and last basis of *Fiqh* was *Qiyas*, *i.e.*, the use of analogical reasoning in legislation. For Muhammad Iqbal, properly understood and applied, *Qiyas* was only another name for *Ijtihad* which, within the limits of the revealed texts, was absolutely free. Its importance as a principle could be seen from the fact that, according to most of the doctors, as Shawkani had asserted, it was permitted "even in the lifetime of the Holy Prophet." So, for Iqbal, the closing of the door of *Ijtihad* was pure fiction suggested partly by the crystallization of legal thought in Islam, and partly by that intellectual "laziness which, especially in the period of spiritual decay, turns great thinkers into idols." If some of the later doctors had upheld that fiction,

[271] IQBAL, 1934: pp. 174-176.

modern Islam was not bound by that "voluntary surrender of intellectual independence."[272]

Iqbal did hope to make it clear that neither in the foundational principles nor in the structure of the Muslim systems, as they were found in those days, was there anything to justify that attitude of "laziness" and "surrender". For him, the world of Islam, "equipped with penetrative thought and fresh experience [...] should courageously proceed to the work of reconstruction before them", a work which had a far more serious aspect than mere adjustment to modern conditions of life, keeping in mind the aftermath of the First World War, which had brought "the awakening on Turkey", and new economic experiments in the neighbourhood of Muslim Asia, *i.e.* the Soviet Union and Communism. Muhammad Iqbal considered that Humanity needed three things in those days: 1) a spiritual interpretation of the universe; 2) a spiritual emancipation of the individual; and 3) basic principles of a universal import directing the evolution of human society on a spiritual basis. Modern Europe had built idealistic systems on these lines, but experience had shown that "truth revealed through pure reason is incapable of bringing that fire of living conviction which personal revelation alone can bring." Pure thought had little influenced men, while religion had always elevated individuals, and transformed whole societies. The idealism of Europe never became a living factor in her life, and the result was a perverted ego seeking itself through "mutually intolerant democracies whose sole function is to exploit the poor in the interest of the rich." Europe was then "the greatest hindrance in the way of man's ethical advancement." On the other hand, the Muslims were in possession of those ultimate ideas on the basis of a revelation, which, "speaking from the inmost depths of life, internalizes its own apparent externality", which ought to make Muslims one of the most spiritually emancipated peoples on earth: "Let the Muslim of today appreciate his position, reconstruct his social life in the light of ultimate principles, and evolve, out of the hitherto partially revealed purpose of Islam, that spiritual democracy which is the ultimate aim of Islam." This Islamic democracy, equality and brotherhood of all Muslims, was against the notion of nationalism, and Islam's political idea was one of transnational

[272] IQBAL, 1934: pp. 176-178.

community which transcended ethnical, racial and national bonds, based in an internal cohesion which stemmed from the community's religious-political ideal unity.[273]

[273] IQBAL, 1934: pp. 178-180.

CHAPTER IV:

SAYYID ABU'L 'ALA MAWDUDI'S CONCEPTION OF STATE

IV.1. Bio-bibliography of Sayyid Abu'l 'Ala Mawdudi until 1941

Abu'l 'Ala 'Mawdudi (1903-1979) was born on the 25th September, 1903 in Aurangabad, a town in the former princely state of Hyderabad (Deccan), nowadays Andhra Pradesh, India. He traced his lineage to an old, well-known family of Delhi who had been associated with the Mughal court and had later served the nizams (rulers) of Hyderabad. The family took pride in the glorious days of Islam in India and was acutely aware of its downfall following the sack of Delhi by the British in 1858, harbouring, therefore, a dislike for British rule. Mawdudi's religiopolitical awareness had first been aroused in Hyderabad, when the nizam's authority had begun to wane, and where political activism had shifted the time-honoured balance of power to the Hindus. [274]

After the Great Mutiny of 1857 (see chapter I) and the entrenchment of the British Raj, Muslim politics, religious thinking, and social organizations, from Sayyid Ahmad Khan's Aligarh movement to Muslim agitations in Bengal and Punjab, had been directed at reversing the continuous decline in Muslim political power before the rise in the fortunes of the British and subsequently the Hindus. The eclipse of Hyderabad's Muslim culture and later of its Muslim community after the collapse of the nizam's state in 1948 was to haunt Mawdudi in the subsequent years, leaving him with a sense of desperation and urgency directed at saving Islam from decline and eventual extinction, an attitude he shared with most Muslims of Hyderabad. Even before the partition these themes had appeared in Mawdudi's writings.

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[274] For Mawdudi's biographical information, the following sources have been used: AHMAD, Irfan. 2009. "Genealogy of the Islamic State: reflections on Maududi's political thought and Islamism" in ***Journal of the Royal Anthropological Institute*** (N.S.). London: Royal Anthropological Institute, pp. S145-S162; AHMAD, Khurshid and ANSARI, Zafar Ishaq (eds.). 2003. ***Islamic perspectives: studies in honour of Sayyid Abul A'la Mawdudi***. Markfield, Leicestershire: The Islamic Foundation, pp. 360-365; NASR, Seyyed Vali Reza. 1994. ***The Vanguard of the Islamic Revolution: the Jama'at-i Islami of Pakistan***. Berkeley/Los Angeles: University of California Press, pp. 3-27; NASR, Seyyed Vali Reza. 2000. ***International Relations of an Islamist Movement: The Case of the Jama'at-I Islami of Pakistan***. New York: Council on Foreign Relations, pp. 1-22.
Also useful was the information available at the following sites: ***Jamaat-e-Islami Pakistan***, official website (http://jamaat.org/beta/site/page/3, last accessed 21/02/2012), http://www.abulala.com/ and http://www.maududi.org/, last accessed 10/06/2011).
For a bibliography by and about Mawdudi, see AHMAD and ANSARI (eds.). 2003: pp. 1-14.

Mawdudi came of age just as colonial rule was ending and Indian national consciousness was asserted, but the Muslims failed to salvage their status and restore the political prominence they had lost. Experiments with accommodation to imperial rule, such as those of Sayyid Ahmad Khan or Punjab's Unionist Party, had failed to stop Hindu supremacy or assuage the ever increasing anxiety of the Muslim masses about life under Hindu rule. The Muslims of India had begun to think that restoring their political power was the only way to advance their interests and extricate themselves from their predicament. Mawdudi's own disposition toward religion was quite marked throughout his life. From his childhood he received religious nurture, first at home and later in the traditional schools of Hyderabad, Bhopal, and Delhi, at the hands of his father and from a variety of teachers employed by him to ground his sons in the essentials of Islam, Islamic history, and in the literary heritage of the Arabic, Persian, and Urdu languages. With minimum formal education (three years), given in a *madrasa*, Mawdudi's instruction included very little of the subject matters of a modern school, and European languages, specifically English, were not among the courses he followed. In fact, he only studied English some years later when his editorial work made knowledge of the language imperative. As a young man in Delhi, he studied the *dars-i nizami* curricula (a study curriculum used in a large portion of Islamic religious schools in South Asia) of the *'ulama* with Deobandi tutors and received the certificate which would have permitted him to join them, but he abandoned traditional education and the garb of the *'ulama* for an education in modern subjects. He studied English and Western thought on his own and embarked on a modern career in journalism.

In spite of the strictness of his upbringing and his father's determination to insulate the youngest son of the family against the influences of Western culture and education, as a young man Mawdudi had the reputation of independent mindedness and of being something of a rebel against traditional ways. Despite these tendencies in his youth, throughout Mawdudi's long life, religion was the strong foundation upon which all else was to rest, and with the passing of time it became increasingly clear to him that he had a religious mission to fulfil among India's Muslims. Beginning his public career as a journalist at the early age of seventeen, Mawdudi served as editor of the weekly ***Taj*** in Jabalpur, and he continued in journalism for about ten years, before turning to other pursuits. Between 1921 and 1924 he became involved in the Khilafat

movement, which had been formed in the hope of preserving the Ottoman Caliphate. For a while, Mawdudi sympathized with the Indian National Congress Party, which was fully involved with the Khilafat Movement, being Gandhi one of the most important Hindu leaders to give his support to it. The peak of his career in journalism was the editorship of ***Muslim*** (1921-23) and ***al-Jam'iyat*** (1925-28), both of which were organs of the pro-Congress *Jam'iyat-i Ulama-i Hind* (Party of Indian *'Ulama*), position which he held from 1924 until he resigned in 1927. It was a position of extreme importance and influence for so young and inexperienced a man. It brought him into close contact with some of the leaders of Indian Muslim life and thought, and it gave him occasion to express himself on virtually every subject of importance to the world-wide Muslim community anywhere in the world.

Mawdudi witnessed the collapse of the Ottoman Empire and the failure of the Caliphate Movement to save that empire from being dismembered by Britain and France, which, added to growing Hindu assertiveness in the Indian Freedom (Independence) Movement, contributed to Mawdudi's perception of the continued deterioration of Muslim power and the threat to Islam and the Muslim community. Mawdudi blamed European colonialism and the emergence of modern nationalism, a foreign and Western ideology which divided rather than united peoples, replacing the universal or Pan-Islamic ideal of solidarity with a more tenuous and divisive identity based upon language, tribe, or ethnicity. The *Khilafat* movement, that marked the beginning of open Muslim political activism in the context of the independence movement, was the best example of this trend. From early on Mawdudi revealed a deep concern with the notion of the *Umma*, a concern that surfaces in his writings at two points: when discussing the creation of a pure Islamic order at the local level, and when envisioning a universal Islamic order. Both developments were predicated on the creation of true *Umma*s.

To understand Mawdudi's worldview, it is important to discern how his conceptions of the universal and local *Umma* interacted, and when and how they separated. Early on, the notion of a universal *Umma* appeared to have been more important to Mawdudi than that of a local one. During his initiation into politics in the context of the Indian nationalist movement, even before he embarked on an activist agenda, he was impressed by pan-Islamism and its ideal of the universal *Umma.*

In 1921, Mawdudi had joined the *Tahrik-i Hijrat* (Migration Movement) to protest against British rule over India. The *Tahrik* was premised on the notion that since India was no longer part of *Dar al-Islam*, all Indian Muslims should migrate to Afghanistan, where Islam continued to reign. The traditional Islamic division of the world into *Dar al-Islam* and *Dar al-Harb*, which undergirded the *Tahrik*'s logic, framed the problem of British imperialism not as one of foreign rule over India, but as one of non-Muslim rule over Muslims, a problem not limited to one geographical territory or nation but involving all Muslims alike. Imperialism could not, therefore, be overcome by nationalism but through the creation and preservation of an Islamic *Umma.* In this case, sustaining an Islamic normative order in India was not enough; Muslims needed to move physically beyond the purview of British authority. Traces of a vision of the world divided into an Islamic *Umma* and non-Muslim *Dar al-Harb* would periodically continue to surface in Mawdudi's works.[275]

Similar considerations governed Mawdudi's understanding of the aim and political function of the *Khilafat* movement. For him the Caliphate stood not only as the symbol of Muslim unity but as a sacrosanct institution that would preserve that unity and give shape to a transnational *Umma* whose borders would encompass all Muslim territories. The *Khilafat* movement was thus simultaneously a struggle against Western imperialism (which he viewed as the principal obstacle to Muslim unity) and an affirmation of the centrality of the *Umma* as an ideal, as well as a reality for Muslim life. The abolition of the caliphate by the new Turkish republic in 1924 (see previous chapters) ended the *Khilafat* movement in India, with major implications for Mawdudi's thinking. He was greatly disturbed by Arab hostility to Ottoman rule, and, more importantly, by the way in which Turkey had discarded the Caliphate. In both cases he believed nationalists, in collusion with Europeans, had betrayed Islam. It was then that Mawdudi developed his deep-seeded suspicion of nationalism, which he came to view as a surreptitious form of Western domination and the foremost threat to the realization of the *Umma*.

Despite his open hostility to nationalism, Mawdudi became cognisant of its seeming inevitability. The end of the caliphate had proved that nationalism, for better

[275] For further details on the *Hijrat* Movement, see QURESHI, M. Naeem. 1979. "The 'Ulamā' of British India and the Hijrat of 1920" in ***Modern Asian Studies***, V. 13, n. 1. Cambridge: Cambridge University Press, pp. 41-59.

or worse, was a force whose grip on the Muslim imagination was only likely to grow. Moreover, with the caliphate out of the picture, the *Umma* was unlikely to materialize as a territorial reality. However, it was likely to shape how Muslims might imagine or idealize their relations to "others" in the international arena. From that point on, Mawdudi tacitly accepted nationalism in the framework of his idealization of the *Umma.* He would seek to address and accommodate both, sometimes conceding the reality of the nation-state system and other times asserting the inevitable ascendance of the *Umma.* Consequently, without a clear-cut directive regarding the primacy of the nation or *Umma*, Mawdudi's thinking on international issues was uncertain and ambiguous.

Giving up his journalistic work in 1928 in favour of literary pursuits and historical research, he associated himself in 1932 with a journal called ***Tarjuman al-Qur'an*** [***Interpretation/Translation of the Qur'an***], in Hyderabad, which would become Mawdudi's sole responsibility in 1933. He began also to consider that a mission had been laid upon him: to invite the Indian Muslims to a renewed and purified commitment to Islam, launching himself thereupon into a work of criticism, analysis, and exposition of Islam designed to capture the allegiance of the Indian Muslim leadership and to redirect it into the path of Islam.

Between the two World Wars some Muslim leaders turned to communalism, channelling their political aspirations and energies into the formulation of political agendas whose only strength lay in their manipulation of Islamic symbols. As a result, in the 1920s and the 1930s Islam was catapulted into the political arena, and its symbols were politicized and utilized for purposes of mass mobilization. The results were communal riots and the estrangement of some from the Congress party. However, communal agitation did not help either. The earliest organized expression of Muslim communalism, the *Khilafat* movement, to which Mawdudi had belonged, collapsed in 1924 and with it the hopes and aspirations of many of the Muslims of India. The *Khilafat* movement, however, led some Muslims to greater expressions of communalism throughout the following decade. Meanwhile, the home-rule (*swaraj*) effort, initiated by the Congress in 1924, had also come to naught. Hindu hostility and Muslim activism, which had emerged into the open in the wake of the *Khilafat* movement, continued to arouse the fears of the Muslim masses about their future.

Following the collapse of the movement in 1924, Muslims and Hindus perpetrated acts of violence all over India. The most noteworthy of the Hindu campaigns was the Shuddhi one, whose mission was to reconvert unwilling low-caste converts from Islam back to Hinduism, challenging the place of Islam in India and provoking angry responses from Muslims, resulting in more communal strife. In 1926 Swami Shradhanand (1856-1926), a renowned Shuddhi activist, was assassinated, causing much anti-Muslim bitterness in the Indian press and among the Hindus, and a feeling of desperation and apologetic resignation among Muslims.[276]

Mawdudi witnessed all these events, and his political thinking was shaped by considering all the solutions with which Muslims experimented. He was not initially a revivalist; he simply wanted to solve the problems of his community. The search for a solution eventually led him to conclude that Islam was the best remedy for the problem. After Shradhanand's murder, Mawdudi plunged into the communalist movement, making a choice which determined the direction of his lifelong struggle to preserve the place of Islam in Muslim life. In 1929 he published his book ***Al-Jihad fi'l-Islam*** [***Jihad in Islam***], not only a response to Hindu challenges to Islam following Shradhanand's death, but also a prologue to a lifetime of religious and political effort. By 1932 the Muslim predicament had become the focus of Mawdudi's life, and he increasingly looked to Islam for solutions and gradually adopted a revivalist approach. The result was the movement that Mawdudi's followers regard as the heir to the tradition of Islamic *tajdid* [revival, renewal] and as its greatest manifestation in modern times.

There were two basic Muslim positions in India during the interwar period. First, there were those Muslim intellectual and political leaders who supported the Congress Party, actively participated in its politics, and encouraged their fellow Muslims to do the same. They were fiercely anti-imperialist and viewed opposition to the British to be the foremost concern of their community. Secondly, there were those Muslim leaders, such as Muhammad Iqbal and Muhammad 'Ali Jinnah (1876-1948), in the Muslim League, who did not view the struggle against the British to be the paramount concern of the Muslims and who remained apprehensive about living as a minority in a predominantly Hindu India. They believed that Muslims were best

[276] NASR, 1994: pp. 3-5.

advised to reassess their commitment to the Congress Party and to focus on safeguarding and furthering their communal interests before an uncertain future.

Mawdudi articulated his views amid the lively and bitter debate between Jinnah and the Muslim supporters of the Congress Party. Some of Mawdudi's expositions on the relation between religion, society, and politics were recorded in books on Muslim politics of the time. From 1937 to 1941, Mawdudi published in ***Tarjuman al-Qur'an*** a series of essays dealing with the political matters of India's future independence and their implications for the Muslims. These essays were later printed in book form in the three volumes entitled ***Musulmanon awr Mawjudah Siyasi Kashmakash*** [***Muslims and the Current Political Crisis***], and in the volume ***Mas'alah-i qaumiyat*** [***Question of Nationalism***].

The particular source of Mawdudi's apprehension was the stance of the Indian National Congress, which affirmed that all Indians constituted a single nation and that a future government in India had to be both democratic and secular. Echoing the thought of Muhammad Iqbal, Mawdudi simply did not believe that the Muslims of the subcontinent constituted one nation along with all other Indians. He insisted that the Muslims had an identity or nationality of their own which was Islam; they were bound together not by ties of race, geography, language, mutual interest, economics, or even culture, but by their commitment to follow the will of God in their lives. There were no claims which Muslims could raise against the British or anyone else on the basis of their common nationhood with other Indians; he stated quite unequivocally, in fact, that Islam was the polar opposite of nationalism and all that nationalism stood for.

Within a united India, where all were Indians together, it would be construed as traitorous for Muslims to attempt to maintain their peculiar identity and sense of nationality. They would, in fact, be constrained to accept and manifest the identity of the Hindu majority. Although Mawdudi shared the desire of other Indians for freedom from British rule, independence from the British was not worthwhile in itself if the Indian Muslims were to exchange servitude to outsiders for servitude to the majority within their own country. Hence, he urged the Muslims not to participate in the

freedom struggle being led by the Indian National Congress and its nationalist Muslim supporters.

Mawdudi's criticism and fear of democracy echoed a similar line of thinking. Democracy, he believed, was the kind of government in which the majority rules whether its views be right or wrong, and in which a minority may hope to have a voice in affairs only by transforming itself into the majority. No guarantees of rights or other safeguards that might be built into a democratic constitution could truly protect a minority in a democratic polity. Democracy, when reduced to its bare bones, amounted only to the tyranny of the majority. Since the Muslims were clearly a minority in India and likely to always remain so, the creation of democratic institutions in the country would be nothing less than a deadly poison for them, one that would destroy their culture, take away their identity, and finally force them even to give up their religion. He was not in favour of secular nationalism; however, this did not mean that he was oblivious to nationalist sentiments and arguments, or uninfluenced by the nationalist paradigm. For him, anti-imperialism would only make sense in an Islamic milieu, and he also firmly opposed the suggestion that the Congress Party represented Muslim interests, or that it could do so in a future Indian Republic. He was particularly sensitive to any suggestion that it was religiously incumbent upon Muslims to support the Congress Party in its struggle to free India from the clutches of British rule. This soon led Mawdudi into a heated debate with senior Indian *'ulama* who supported the Congress Party and who were bent on using Islam to mobilize support for the independence movement.

In 1937, the *Jamia'at-i 'Ulama-i Hind*, an organization founded in 1919 and led by Mawlana Husain Ahmad Madani (1879-1957), the renowned Indian Islamic leader, also head of the *Dar ul-Ulum Deoband*, was split with a faction which was supportive of the Muslim League's demands, originating the *Jamia'at-i 'Ulama-i Islam*, led by Shabbir Ahmad Usmani (1886-1949). In 1938, Madani wrote ***Islam awr mutahhadih qaumiyat*** [***Islam and Composite Nationalism***][277]. In this book, Madani, who had spent some time in British jails between 1914 and 1917, depicted a multicommunal Indian state that would be compatible with the teachings of Islam,

[277] MADANI, Maulana Hussain Ahmad. 2005. ***Composite Nationalism and Islam***. New Delhi: Manohar Publishers.

and laid out in systematic form the positions that the author had taken in speeches and letters from the early 1920s on the question of nationalism as well as other related issues of national importance. Using various verses from the ***Qur'an***, Madani, with his book, aimed at opposing the divisive policy of Muhammad Iqbal, Muhammad 'Ali Jinnah and the Muslim League, dealing mainly with two aspects: the meaning of the term *Qaum* and how it was distinct from the term *millat*, and the crucial distinction between those two words and their true meanings in the ***Qur'an*** and the *Hadiths*. By proposing "composite nationalism", this book strongly argued that despite cultural, linguistic and religious differences, the people of India were but one nation, and, according to the author, any effort to divide Indians on the basis of religion, caste, culture, ethnicity and language was a manouver of the ruling power.

Mawdudi reacted strongly, attacking Madani in public speeches and in a number of tracts. Madani's book, along with the Congress Party's direct appeal to Muslims through such measures as the "mass contact movement," which was directed at taking the Congress Party's message to the Muslim masses and recruiting larger numbers of Muslims into the party, convinced Mawdudi that the first order of business was to close off the Muslim community to the Congress Party, articulating an Islamist ideology from that point on in order to preclude the possibility of a "composite nationalism."

Islamism, for Mawdudi, was the assertion of the Muslim community's prerogative to determine the limits of individual moral behaviour and define the nature of a Muslim's relation to Islam. But more importantly, and as a result, it was the means to create impregnable walls around the Muslim community. By interpreting Islam as an ideology for a vigilant community that emphasized puritanism, the external dimensions of the faith, and strict obedience to Islamic law, and by discouraging those customs and rituals that resembled Hindu practices or could serve as a bridge to Hinduism, Mawdudi moved to change the cultural milieu of Indian Islam, as well as the context in which Muslims were encountering the political choices before them. As the balance of relations between Muslims and Hindus would change at the national level and in neighbourhoods, towns, and villages, "composite nationalism" would cease to be a viable option. In the process, the resurgence of Islamic sentiments, as interpreted by Mawdudi, would lay the foundations for

organization building and political activism. His conception of the revival (*tajdid*) and reform (*islah*) of Islam, therefore, was at its inception tantamount to radical communalism. Mawdudi's vision was not anti-state or anti-imperialist *per se* - at least not at first - but it aimed at stymieing the progress of the Congress Party and the political ascendancy of the Hindu community. Those whom he viewed as "traitors" to the cause of Islam were not only secular or modernist Muslims but were the spokesmen of orthodoxy, *i.e.*, the *'ulama*.

The notion of "treason", here, was not related to the faith, but to the communal interests of Muslims. Nor was Mawdudi's conception of Islam driven by the yearning for an improbable utopia; it had a clear aim and a definite functional use. Mawdudi's vision unfolded in the context of rapid polarization of the Muslim community. Following the Government of India Act of 1935 and the elections of 1937, the Congress began to make serious overtures to Muslims. Some were enticed into serving as junior partners to the Congress, thus acknowledging Hindu political ascendancy. Others in the Muslim League, under the leadership of Muhammad 'Ali Jinnah, took the opposite course in the 1940s and demanded a separate state for Muslims, a demand embodied in the Lahore Resolution of 1940. Mawdudi did not join either party, choosing instead to form his own organization, the *Jama'at-e-Islami*. He started with the premise that Muslims should return to a pure and unadulterated Islam to brace themselves for the struggle before them. They should reject Hindu ascendancy and continue to lay claim to the whole of India. He was especially disturbed by those Muslims who were willing to accommodate Hindus, and saw their support of the Congress Party as acquiescing in the inevitability of a Hindu raj. His most venomous rhetoric was reserved for them. Irredentist as Mawdudi's views may have appeared, they were communalist in form and content. Hence, his revivalist exhortations did not preclude an endorsement of the "two nation theory." The struggle had to defend Muslim communalist interests in India and to preserve Muslim identity in the face of imminent Hindu challenges. But first Mawdudi had to vanquish the Muslim League, which he believed to be the sole impediment to his control of Muslim communal politics.[278]

[278] NASR, 1994: pp. 5-7.

As the creation of Pakistan became more and more likely, Mawdudi's polemical attacks on the Muslim League also increased. He objected to the idea of Muslim nationalism because it would exclude Islam from India and surrender the domain of the Mughals to the Hindus, which would make the eventual extinction of Islam all the easier. The increasingly communal character of the Indian politics of the time, and the appeal made to religious symbols in the formulation of new political alliances and programmes by various Muslim groups as well as Muslim League leaders, created a climate in which Mawdudi's theological discourse found understanding and relevance.

IV.2. The *Jama'at-e-Islami* (1941-1947)

Although predicated upon secular ideologies, the Pakistan movement was able to mobilize the masses only by appealing to Islam. Nationalism thereby became dependent on Islam and as a result politicized the faith. A number of Muslim religious and communal organizations, some of which remained nothing more than proposals, pointed to the importance of organizations for promoting Muslim political consciousness and communal interests. The *Jama'at* emerged as part of this general organization of Muslim activism, which by the early 1940s had become the accepted channel for the expression of Muslim political sentiments. Rivalry with the Muslim League escalated with each step India took toward partition.

After the 1937's defeat of the Muslim League at the polls, Mawdudi's thinking took an increasingly communalist turn, and following the Lahore Resolution of 1940, when the League committed itself to Pakistan, the *Jama'at* was born as the "counter-League." Mawdudi's response to the Lahore Resolution of 1940, which called for the establishment of autonomous states in the Muslim majority areas of the subcontinent, was to launch the work of Islamic reform into a new phase, and in 1941 the *Jama'at-e-Islami* was founded, and headed by Mawdudi for thirty-one years (1941-1972).

Mawdudi characterized the period between the founding of the organization in 1941 and partition of India in 1947 as the time of "organising and training"[279]. He had originally entered the political fray with the aim of halting the rise of Hindu power and converting the whole of India to Islam, in order to end forever the uncertainty of the Muslim place in the polyglot culture of India, but by 1940 Mawdudi had accepted the inevitability of some form of partition of the Subcontinent. He therefore shifted his attention away from the Congress party and toward the Muslim League and its communalist program. Mawdudi's opposition to the League from this point had nothing to do with Jinnah's calling for Muslim autonomy, and Mawdudi had simply decided that he should be the one to found and lead the Muslim state of Pakistan if there had to be one.

As India moved closer to partition, Mawdudi's political thinking became increasingly clear regarding the polity which he envisioned. He had to position himself to dominate the debate over Pakistan, and to do that he needed the Muslim League's power and prominence, for he distrusted Jinnah's intentions and even more the secularist inclinations of the League's program. For Muhammad 'Ali Jinnah, people in Pakistan would be free, free to go to temples, to mosques or to any other place of worship. The State would not have nothing to do with the religion or caste or creed of the citizens, who would be equals of one State: "Now I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State".[280]

The fate of Islam in Kemalist Turkey and Pahlavi Iran had no doubt served as a warning to Mawdudi and to those other Muslims whose rationale for a separate

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[279] ADAMS, Charles J. 1983. "Mawdudi and the Islamic State" in ESPOSITO, John L. (ed.), ***Voices of resurgent Islam***. New York/Oxford: Oxford University Press, pp. 99-133; AHMAD and ANSARI (eds.). 2003: pp. 360-365.
For more information on the Jama'at, especially in the period after 1947, see NASR, Seyyed Vali Reza. 1995. "Democracy and Islamic Revivalism" in ***Political Science Quarterly***, V. 110, n. 2 (Summer). New York: The Academy of Political Science, pp. 261-285.

[280] JINNAH, Muhammad 'Ali. 1947. ***Mr. Jinnah's presidential address to the Constituent Assembly of Pakistan August 11, 1947***.
Available at http://www.pakistani.org/pakistan/legislation/constituent_address_11aug1947.html, last accessed 21/02/2012.

Muslim state was the promise that it would preserve Islam in the Subcontinent. Increasingly, Mawdudi reacted directly to the Muslim League's policies, and to its conception of what Pakistan was to be; these were the subject of his strongest attacks, denouncing nationalism and berating secular politics as disbelief (*kufr*). In 1947, following partition, Mawdudi was escorted to safety after violence broke out in the Gurdaspur District of Punjab, where the *Jama'at* was based, and was taken to Lahore by units of the Pakistani army. Mawdudi now demanded an Islamic state where he had once dreamed of an Islamic empire. His programme was no longer to save Islam in India but to have it conquer Pakistan.

Mawdudi's interpretive reading of Islam and its history began with denunciation of traditional Islam and its centuries-old institutions. He argued that Islam had no possibility of success as a religion or a civilization - which he argued was meant to be its fate and the reason for its revelation - unless Muslims removed the encumbrances of cultural accretion and tradition, rigorously reconstructed the pristine faith of the Prophet, and gained power. Politics was declared to be an integral and inseparable component of the Islamic faith, and the "Islamic state" which Muslim political action sought to erect was viewed as the panacea to all problems facing Muslims. As Mawdudi systematically mixed religion with politics, faith with social action, he streamlined the Islamic faith so that it could accommodate its newfound aim. He reinterpreted concepts and symbols, giving them new meanings and connotations. This allowed him to set down a political reading of Islam, in which religious piety was transformed into a structure of authority. Faith became ideology and religious works became social action.

The resulting "system", which Mawdudi referred to as *din* (literally, "religion"), defined piety. This perspective was enunciated ever more lucidly over the years and was gradually extended to incorporate the structure of Islamic faith. It was applied to every aspect of Islamic thought and practice, producing a comprehensive interpretative reading of Islam. In the hands of Mawdudi the transformation of Islam into ideology was complete. Mawdudi's formulation was by no means rooted in traditional Islam. He adopted modern ideas and values, mechanisms, procedures, and idioms, weaving them into an Islamic fabric, thus producing an internally consistent and yet hybrid ideological perspective. Mawdudi's vision was not modern through

and through, but purported to modernity; he sought not to resurrect an atavistic order but to modernize the traditional conception of Islamic thought and life. His vision represented a clear break with Islamic tradition and a fundamentally new reading of Islam which took its cue from modern thought.[281]

Mawdudi's vision was the product of a discourse with the "other," the West. His perspective was formed in response to greater Hindu ascendancy in Indian politics of the interwar period. However, for Muslims to mobilize their resources to confront the Hindu challenge, argued Mawdudi, they had to free their souls from Western influence. Hence, Mawdudi's discourse, although motivated by the Hindu challenge, was directed at the West. His ideology showed modernist tendencies, as did his political outlook. He premised his reading of religion and society on a dialectic view of history, in which the struggle between Islam and disbelief (*kufr*) ultimately culminates in a revolutionary struggle. The *Jama'at* was to be the vanguard of that struggle, which would produce an Islamic utopia. In a similar vein, its views on government, as well as on the party's own operations, also confirmed Mawdudi's break with Islamic tradition, while the terms "revolution," "vanguard," "ideology," "democratic caliphate," and "theodemocracy," which turned up over and over in his polemic and defined the *Jama'at*'s agenda, attested to his modernism. His ideological perspective was openly hostile to both capitalism and socialism. Capitalism was denounced for its secularism, anthropocentrism, and association with the imperialist culture which had marginalized Muslims in India, and socialism for its atheism and its worship of society in place of God. Above all, both capitalism and socialism were seen as rivals which had to be defeated before Islam could dominate the life and thought of Muslims. In practice, however, Mawdudi always remained more wary of socialism than capitalism.[282]

Ideology compelled action, which in Pakistan assumed the form of demanding an Islamic state. The *Jama'at* demanded a government inspired by and obedient to the writ of the *Shari'a* and which would promise a utopian order that gave direction to "Islamic" social action. For the *Jama'at* that state would be erected according to rules

[281] SAYEED, S.M.A. 1999. ***The myth of the authenticity: a study in islamic fundamentalism***. New Delhi: Kitab Bhavan, pp. 174 and 180.

[282] NASR, 1994: pp. 7-9, and SAYEED, 1999: pp. 218-221.

and procedures stipulated by Mawdudi. Social action, however, did not imply revolution as the term is understood in the West. Mawdudi believed in incremental change rather than in radical ruptures. He did not subscribe to class war or disparaged violence as a political tool, and assumed that Islamic revolution would be heralded not by the masses but by the society's leaders. Revolution, in Mawdudi's view, did not erupt from the bottom up but flowed from the top of society down. The aim of Islamic revolution, therefore, was not to spearhead the struggle of the underclass but to convert society's leaders. His notions of social action therefore had peculiar meanings and aims.

Mawdudi's perception of himself as the only leader capable of delivering Muslims from their predicament became increasingly more pronounced. He harboured ambitions to lead Indian Muslims as a scholar, renewer of the faith, and supreme political leader. His insistence on distributing his works far and wide in this period was part of an effort to establish his claim to the leadership of the Muslims. In Mawdudi's writings the term employed to translate "secular" (*la dini*) in fact literally means "religionless", although it should be evident that a religionless social system would be anathema to him. Theoretically, in a secular system, the government would adopt a neutral attitude towards all religious groups, treating them equally. What would actually occur, according to Mawdudi, was that the government would be secularist only toward the minority religious groups, neither helping nor restraining them, but it would be necessarily partisan toward the religion of the majority. Congress secularism, he believed to be based on Gandhi's teachings about tolerance toward all other religions, was nothing but a drawing out of the implications of a specifically Hindu point of view. Congress policy would, therefore, result in the imposition of Gandhi's religious views on the whole of India. Mawdudi's answer to the situation of the Muslims in India was that they should become better Muslims. As the result of that very process they would achieve organization, discipline, and social effectiveness, enabling them to transform the whole of India into *Dar al-Islam*.

While at an earlier time Mawdudi seemed to have in mind an all-Indian scale, by the time he settled in Lahore in 1939 he believed that the social and political ascendancy of the Hindus in India was irreversible. As idealistic as he may have been, by the late 1930s even he could see that the dream of converting the whole of India to

Islam no longer seemed possible. For that reason Mawdudi increasingly succumbed to the communalist feelings that had all along influenced his turn to revivalism and political activism. If he was opposed to Congress's secular nationalism - aimed at gaining independence for India - it was primarily because he was a Muslim communalist at heart. For Mawdudi, secular nationalism was a threat to communalism, and only for that reason did it feature in his ideological demonology, since secular nationalism meant Congress rule: a "Hindu Raj" in Mawdudi's words.

In 1938, in a lengthy article in ***Tarjumanu'l-Qur'an***, Mawdudi wrote that Nehru's promises of scientific progress and nationalist democracy would be "tantamount to the extinction of Islam, and hence Muslims." In the same article Mawdudi systematically attacked the Congress's position on secular nationalism and democracy as unworkable and detrimental to the interests of Indian Muslims. In its place he offered two "two-nation" schemes of his own, proposing a state within a state (*riyasat dar riyasat*) which echoed Muhammad Iqbal's demand for a "Muslim India within India." He then offered plans that would preserve the territorial integrity of India and still give Muslims substantial communal autonomy. The first plan favoured dividing India into two "culturally autonomous" democratic entities, which would form the "international federation" of India with a constitution similar to those of "Switzerland, Australia, or the United States".[283]

The constituent entities would be equal partners in running the state, would have distinct boundaries, and would be sovereign in their internal affairs, with the power to formulate and implement their own laws. For matters pertaining to the state as a whole, such as the formulation of its confederate constitution, a constituent assembly would be formed, the members of which would be chosen through elections based on proportional representation. Should the first plan not prove popular, Mawdudi devised a second one, in which India would again be reorganized along confederate lines, this time with fourteen territories, thirteen of which - Ajmer, Awadh, Baluchistan, East Bengal, Bhopal, Delhi, Hyderabad, Jawrah, Junagadh, North-West Frontier Province, North and West Punjab, Sind, and Tonk - would be awarded to Muslims, and a single large fourteen would be Hindu. The thirteen were "justly" suggested by Sayyid Abdul Latif (1891-1971) whom Mawdudi lauded for the

[283] NASR, 1994: pp. 109-110.

plan's wisdom in redrawing the map of India along communal lines. Twenty-five years would be allotted for exchanging populations between the thirteen territories and their Hindu neighbour. The fourteen territories would be bound by an Indian confederacy, but would enjoy sovereignty over their internal affairs.[284]

These plans clearly underscored Mawdudi's communalist inclinations, but still in an Indian framework. But that would not be the case for long. Even at the end of this revealing article he wrote that if the second plan too was rejected, Muslims would "have no choice but to demand a completely autonomous unit, tied together [with its Hindu counterpart] only for defence, communications, and trade," an idea which was not too distant from what the Congress, the Muslim League, and the viceroy were debating at the time. These ideas of Indian confederacy, however, increasingly gave way to sober realization of the fractious direction in which Indian politics were heading. Mawdudi, like most Muslim communalists, began to feel the constraint of the narrowing range of options before him. When asked in 1938–1939 about his choice of the title *Dar al-Islam* for his project in Pathankot, Mawdudi explained "it means only a Muslim cultural home and not a Muslim state, but if God wills it, the two may become one."[285]

By Muslim state, he no longer meant the entirety of India, for he had left South India two years earlier, having concluded that there was no future for Muslims in that region. It was following the elections of 1937, when Indians were given limited self-government, and over the course of the following decade that, like many of his coreligionists who resided in Muslim minority provinces, Mawdudi, too, began to succumb to the temptation of secessionism. As his dream of an "Islamic India" was shattered by harsh realities, talk of converting the whole of India to Islam gave way to talk of an "Islamic state" in a separate Muslim territory. From this point on, the *Jama'at*'s relations with the Muslim League became more complex, marked by both competition and concord. Beyond the rivalry which characterized the relations

[284] For more details on Sayyid Abdul Latif, see LATIF, Sayyid Abdul. 1937. ***The concept of society in Islam and prayers in Islam***. Hyderabad-Deccan: The Hyderabad Printing Works; and LATIF, Syed Abdul. 1943. ***The Pakistan issue, being the correspondence between Sayyid Abdul Latif and M.A. Jinnah on the one hand, and between him and Maulana Abul Kalam Azad, Rajendra Prasad and Jawahralal Nehru on the other, and connected papers on the subject of Pakistan***. Lahore: Sh. M. Ashraf.

[285] NASR, 1994: p. 110.

between the two, the basis for a symbiotic relationship, anchored in their shared communal outlook, also emerged during this period.

The *Jama'at-e-Islami* was founded on the idea of the *Umma* as an unadulterated and exclusive embodiment of the vision of Islam that would preclude cultural coexistence with Hindus. The party would serve as a vehicle for propagating this vision, and hence control Muslim politics of the time. Echoes of this original intent are clearly reflected in the subsequent development of Mawdudi's discourse. The communalist directive couched in universalist rhetoric, whereby the quest for *Umma* serves to define a community separate from Indian society in national terms rather than purely theological ones, which made Mawdudi's ideology ineluctably tied to questions of nationhood, separatism, sovereignty, territorial borders, and how these may be related to "Muslimness." Still, the ideal of the *Umma* was significant in itself.

No sooner had the *Jama'at* formed than Mawdudi established a bureau charged with translating his works into Arabic. Persian and Turkish translations soon followed. Clearly, Mawdudi felt a unity of purpose with Arab, Persian, and Turkish Muslims and viewed the *Jama'at*'s activities and his own ideas as relevant to their lives and causes. This universalist outlook was instilled in the *Jama'at* and became part of its mission. In time, the translation efforts entrenched the Universalist image of the party, as they promoted Mawdudi as an international Islamic thinker whose ideas had been instrumental in shaping Islamism across the Muslim world. The interplay of universalism and nationalism made Mawdudi's position on international affairs quite complex and at times obfuscated its direction. At the utopian level, Mawdudi's ideology was pan-Islamic in tone and intent, committed to the universalism of the *Umma*. In practice, however, it operated in the communalist and nationalist milieu from which Mawdudi's political vision drew inspiration, and in which his organization and programme of action took shape. Western ideologies were important influences on Mawdudi's thinking on international affairs. Mawdudi was always keen to compare Islam with socialism and capitalism rather than with Christianity, attesting not only to the fact that he saw Islam as a socio-political system and an ideology, but that he was preoccupied by Western political and institutional values and ideals. Mawdudi's discourse, much like that of other Islamist thinkers, displays distrust and hostility toward the West, which was viewed as an evil force determined to destroy

Islam and subjugate Muslims politically and culturally. As a result, Mawdudi was eager not only to empower Muslims politically but to safeguard their cultural autonomy. Anti-Westernism largely defined Mawdudi's understanding of modern international relations; nevertheless, his stance on the relations between Islam and the West was also informed by more nuanced thinking.[286]

Like Hassan al-Banna (1906-1949), founder of the Muslim Brotherhood in Egypt, Mawdudi considered the Muslim societies as being dependent on the West, politically weak, and culturally adrift. Both in their early years had been anti-colonial nationalists who turned to religious revivalism to restore the Muslim community at home and universally. They drew on the example and concerns both of eighteenth-century Islamic revivalist movements like the Wahhabi and nineteenth- and twentieth-century Islamic modernist predecessors for their critique of Muslim society. They did not simply retreat to the past but instead provided Islamic responses, ideological and organizational, to modern society. They appropriated and reapplied the vision and logic of the revivalist tradition in Islam to the socio-historical conditions of twentieth-century Muslim society, reinterpreting Islamic sources and beliefs to address modern realities. Yet they distinguished their method from that of Islamic modernism, which they equated with the "Westernization of Islam". If Islamic modernists legitimated the adoption of Western ideas and institutions by maintaining their compatibility with Islam, al-Banna and Mawdudi sought to produce a new synthesis which began with Islamic sources and found either Islamic equivalents or Islamic sources for notions of government accountability, legal change, popular participation, and educational reform. Both shared a common anti-imperialist view of the West, which they believed was not only a political and economic but also a cultural threat to Muslim societies. Westernization was a threat to the very identity, independence, and way of life of Muslims, and the religious-cultural penetration of the West (education, law, customs, values) were far more pernicious in the long run than political intervention, since it threatened the very identity and survival of the Muslim community. For them, Islam was self-sufficient, an all-encompassing way of life, an ideological alternative to Western Capitalism and Marxism, and though hostile to Westernization, they were not against modernization. Both engaged in modern organization and institution

[286] NASR, 2000: pp. 1-22.

building, provided educational and social welfare services, and used modern technology and mass communications to spread their message and to mobilize popular support. Mawdudi wrote extensively and systematically, attempting to demonstrate the comprehensive relevance of Islam to all aspects of life. The range of his topics reflected his holistic vision: Islam and the state, economics, education, revolution, women. Their message, though rooted in Islamic revelation and sources, was clearly written for a twentieth-century audience, addressing the problems of modernity, analyzing the relationship of Islam to nationalism, democracy, Capitalism, Marxism, modern banking, education, law, women and work, Zionism, and international relations.[287]

When India was partitioned in 1947, the *Jama'at-e-Islami* was also divided into separate Pakistani and Indian (and Kashmiri) units, sharing Mawdudi's ideology but working through independent organizational structures defined in terms of the national polity in which they operated. Mawdudi justified this move by arguing that each organization would face different political realities under separate national circumstances and could not be caught in the middle of conflicts between Pakistan and India. By giving up his leadership of the Indian *Jama'at-e-Islami* and breaking the embryonic *Umma* along national lines, Mawdudi effectively surrendered the ideal of the *Umma* to the reality of the developing nation-state order in the region. In later years, new *Jama'at-e-Islamis* would emerge in Sri Lanka and Bangladesh, again independent of one another and of the Indian and Pakistani units.

[287] ESPOSITO, 1999: pp. 129-135.

IV.3. Analysis of *The Islamic Law and Constitution*[288]

If we exclude the "Preface", by the author, the "Introduction", by Khurshid Ahmad, editor and translator, and the six "Appendices", this work is divided in two parts, "Aspects of Islamic Law" (three chapters), and "Political and Constitutional Thought of Islam" (seven chapters), corresponding to conferences and articles that the author gave and wrote through many years, and which are: "The Islamic Law" (06 January 1948), "Legislation and Ijtihad in Islam" (January 1958), "How to Introduce Islamic Law in Pakistan?" (19 February 1948), "Political Theory of Islam" (October 1939), "Political Concepts of the Qur'an" (a synthesis of his thought as developed in the work ***Tafhim al-Qur'an*** [***Commentary to the Qur'an***], which the author started to write in 1942, and was published in six volumes between 1951 and 1972), "First Principles of the Islamic State" (November 1952), "Fundamentals of Islamic Constitution" (November 1952), "Rights of Non-Muslims in Islamic State" (August 1948), "The Problem of Electorate" (1955), "Some Constitutional Proposals" (August 1952).

Having in mind the scope of this research, the analysis will mainly be on "Political Theory of Islam" (October 1939)[289], "The Islamic Law" (06 January 1948)[290], and "Rights of Non-Muslims in Islamic State" (August 1948)[291], where the author establishes the basis of his thought on what should be an Islamic State and which he repeated and developed in other texts written throughout his life. The other texts, as well the "Appendices", deal mainly with the problems of elaborating a Constitution for Pakistan, a process which went on between 1952 and 1956, which is clearly outside of this research's scope.

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[288] Much of the relevant material written by Mawdudi has been assembled in a single volume and translated into English by Khurshid Ahmad, a disciple of his and one of the leaders of the Jama'at-e-Islami, under the title ***The Islamic Law and Constitution***. A collection of Mawdudi's speeches with this title, the most important of which are two addresses to the Law College in Lahore in early 1948, was published originally in 1955, in Karachi, by the Jama'at-e-Islami Publications, with a second edition in 1960. The edition now used is a reprint from the second edition of 1960. MAUDUDI, Sayyid Abul A'la. 1960. ***The Islamic Law and Constitution***, translated and edited by Khurshid Ahmad. Lahore: Islamic Publications.

[289] MAUDUDI, 1960: pp. 123-152.

[290] MAUDUDI, 1960: pp. 40-70.

[291] MAUDUDI, 1960: pp. 273-299.

IV.3.1. Principles, institutions and characteristics of an Islamic State

The need and justification for an Islamic state, for Mawdudi, followed from the nature of the universal order. The Islamic state, therefore, was part of a broad, integrated theology whose cardinal principle was the sovereignty of nature's creative Lord. There was, Mawdudi reasoned, basing himself on the ***Qur'an*** as well as on his own observation, a law that governed everything that existed. That law was nothing other than the will of the Creator, who ordained that things should be as they were, that the heaven should be above the earth, the night should follow the day, and so forth. Most of nature - all of it, in fact, except the human race and even here only in respect to some social and moral matters - necessarily conformed to the divine law. Some men might entertain the illusion of their own independence, but there was no independence; all in reality was ruled by God.[292]

In this sense the natural order respects the divine will, obeys it, and may for that reason be said to be Muslim, *i.e.*, practice Islam, or in other words to be among those who submit themselves to the overlordship of God. It was not necessarily so with men, however, who alone among all creation had been endowed with free will or the capacity to choose whether, in their behaviour, they should follow the will of their creator or not.[293]

For Mawdudi, an Islamic state was to be an effective tool of realizing the objectives set by Islam, which, from Mawdudi's viewpoint, was a comprehensive reform programme consisting in propagating virtue and obliterating vice. The State was the instrument and relevant power to eradicate evils from society and establish an order conducive to human-welfare.[294]

Mawdudi argued that all worldviews could be characterised by one of two different and mutually opposing basic attitudes: one accepting God as the Sovereign and Law-Giver, the other of defiance and rebellion against God. For him, Islam, as a worldview, delineated the nature of God, man and his place in the universe, the way

[292] SAYEED, 1999: pp. 183-188 and 197-200.

[293] MAUDUDI, 1960: pp. 46-49.

[294] SAYEED, 1999: pp. 216-217.

universe was created, shaped and organised, the modes of human behaviour in a social set up and its broader relationship within the cosmic order.[295]

The Islamic state was based upon four principles: 1) recognition of the sovereignty of God; 2) authority of the Prophet; 3) the state was the vicegerent of God; and 4) the state had to conduct its affairs by mutual consultation (*shura*) among all the Muslims.

The first principle of the Islamic state was its recognition of the sovereignty of God. The practical meaning of this recognition was that God, and not man, was the source of law in a Muslim society. God had to be the legal sovereign as well as the Lord of Nature. No man, therefore, should be allowed to pass down orders in his own right, and no one should be obligated to obey such orders if they were given, for the prerogative of command belonged only to God.[296]

For Mawdudi, no individual, even a king, nor any class or group of people, nor the state, nor even the people as a whole, had the right to make law. God was the unique lawgiver and authority. There could be no legislation independent of God's will in the Islamic state, and no one could change what God had decreed. The ***Qur'an*** denied the right of men to exercise any discretion in matters decided by God and the Prophet. The Islamic state had, therefore, to be founded on God's law as delivered through the Prophet. Prescriptions or proscriptions laid down by rulers or governments would bear authority and be legitimate only to the extent that they rested directly upon what God had decreed, or followed from it. If a government disregarded the law revealed by God, its authority would not be binding upon Muslims.[297]

Mawdudi acknowledged that the concept of sovereignty was difficult to comprehend and that it had caused great confusion for political theorists. Sovereignty was, he said, "the most disputed issue of political science". The entire problem arose, however, because men tried to locate sovereignty in the wrong place: "the political philosophers have tried to place the cap of sovereignty on man, a being for whom it

[295] SAYEED, 1999: pp. 180-183.

[296] MAUDUDI, 1960: pp. 50, 136-138, and 145.

[297] MAUDUDI, 1960: pp. 46-48 and 138.

was never intended and whom it, therefore, never fit".[298] True sovereignty could be ascribed only to God who was Creator, Sustainer, and Ruler of the universe. Basing himself on an analysis and interpretation of two words used for God in the ***Qur'an***, *rabb* (Lord) and *ilah* (master and lawgiver), Mawdudi traced the root cause of most human misery and calamity to the tendency of men to dominate over other men, either by claiming themselves to be *rabbs* and *ilahs* or by investing objects, idols, political parties, nations, ideologies, etc. with the qualities of *rabb* or *ilah* and then manipulating the credulity of other men for their own purposes.[299]

These problems, both the theoretical issues and the evil consequences of misconceived sovereignty, were obviated in the Islamic state by the state's uncompromising submission to the sovereignty of God. Every issue of law in an Islamic polity had to be referred back to the will of God by reference to the ***Qur'an*** and the *Sunna* as the ultimate authorities. Thus, the basic source of everything the state would do was the divine will, and in this sense God was the only lawgiver.

The second basic principle of the Islamic state, for Mawdudi, was the authority of the Prophet. Mawdudi considered that since the prophetic and personal status were enjoyed by the same being, they were likely to be overlapping and indistinguishable, and the prophets enjoyed perpetual contact and divine guidance, making them object of emulation. The Prophets, all of them, were representatives of God, and in that capacity they exercised the political and legal sovereignty of God Himself.[300] They were entitled to the obedience of those who had pledged themselves to accept the sovereignty of God. "Whoso obeys the Messenger obeys Allah", declared the ***Qur'an*** (4:80). This role of the prophets was the basis for Muhammad's *Sunna* being considered one of the ultimate bases of law.[301]

The third basic principle of the Islamic state was its status as the vicegerent of God. The state did not make or enforce law in its own name but acted as the agent of its suzerain. Again, the basis for this principle was *Qur'anic*, found in *Sura* 24:55

[298] MAUDUDI, 1960: pp. 177-178.

[299] MAUDUDI, 1960: pp. 128-135.

[300] MAUDUDI, 1960: pp. 276.

[301] SAYEED, 1999: pp. 193-197.

where God spoke of appointing caliphs or vicegerents in the earth. An Islamic state should properly, therefore, be called a caliphate for such was its nature. At the mundane level, when it was considered alongside other states in the world, the Islamic state might be called a sovereign state because it exercised authority within the territory that it controlled. This sovereignty, however, did not extend to disregard the law of God and gave it no ability either to change that law or to go beyond it. Further, the ***Qur'an*** vested vicegerency in the entire Muslim citizenry of the Islamic state. The right to rule belonged to the whole community of believers. There was no reservation or special prerogative in favour of any particular individual, family, clan, or class. Such a society could not tolerate class divisions, and it would not permit disabilities for citizens on the basis of birth, social status, or profession.[302] Instead, it had to give unrestricted scope for personal achievement, always, of course, within the limits prescribed by God. Neither was there any room for the dictatorship of one individual or a group of persons.

The key official in an Islamic state was its head or leader, who was called Imam, Caliph, or Amir. His was the major responsibility for the conduct of the state, and he was the real *locus* of power[303] since he acted as *khalifah* or representative of God on earth, on the one hand, and as representative of the Muslim people, on the other. The ruler did not hold his position in his own right or because of the claims of his family or tribe to special status but rather as trustee of the divine law and the community's affairs. In consequence, there were limitations on his powers and his actions. He had, first of all, to act according to the dictates of the *Shari'a*, and enjoy physical strength for the enormous burden he had to bear. The Islamic state would have neither political parties nor a political opposition; its policies would be calculated to meet the real needs of the population and to keep it satisfied. Hence, there would be no reason for elections at regular intervals or for a change of administration. In accordance with the general principle, that government had to be managed through mutual consultation, the ruler was to be selected, appointed, or elected (all three words are used) through a consultative process. Mawdudi asserted that Islam did not limit the scope of its possibilities by attempting to lay down exactly

[302] MAUDUDI, 1960: pp. 148-149.

[303] MAUDUDI, 1960: p. 257.

how the choice of leader would be made. Different methods may be appropriate to different times and circumstances as was evidenced by the lack of uniformity in the ways of deciding the succession of the first four caliphs after the death of the Prophet. What was important was that the ruler chosen should have the full confidence of the nation, and this would happen so long as three principles were observed: 1) the choice of the head of state should depend on the general will with no one having the right to impose himself by force as ruler; 2) no clan or class should have a monopoly of rulership; and 3) the selection should be made without coercion.[304]

As for qualifications of the ruler, they had principally to do with his moral and religious character. The object of the selection process in the Islamic state was to find the best man for the task. By "best" Mawdudi meant not only the person most knowledgeable of affairs of state and most capable of running them but also the person of most upright character and greatest piety. If personal devotion to Islam was basic for administrators of the state at large, it was doubly so for the ruler who held the reins that directed the entire social enterprise. For this reason, any person who actively sought an office of leadership, whether as ruler or as member of the legislative-cum-consultative body, was automatically disqualified from holding the post. The desire for public office represented a degree of greed and self-aggrandizement in an individual that was incompatible with true fear of God or with trustworthiness of character. Thus, though the Islamic state might choose to elect its public officials, there could not be political campaigns or competitions for public favour; the personal characteristics of potential officials as well as the qualifications demanded of anyone holding office in an Islamic state would have to be made known through the agency of an Elections Commissioner or similar officer, not as a private undertaking. In legal terms the candidate for leadership had to meet four criteria: 1) be a Muslim; 2) be male; 3) be of adult age and sane; and 4) be a citizen of the Islamic state. These four, however, merely marked out the formal legal bounds to eligibility for the rulership of the Islamic society; far more important was the quality of the ruler's commitment to Islam and the depth of his knowledge of what the Islamic system demanded.

[304] MAUDUDI, 1960: p. 252.

Many of the considerations that governed the choice of a ruler also applied in the establishment of the legislative and consultative body which was among the basic institutions of the Islamic state. The purpose of the body was to carry out consultation about the affairs enjoined on Muslims. This body was chosen by some kind of reference to the general will, but the precise means was unspecified.[305] In the time of the Four Rightly Guided Caliphs the consultative body was not elected, and Mawdudi attributed this fact to the circumstances of the time.[306] The important thing about the selection process was that it should result in the choice of the best people by whatever means that result might be achieved. Like the ruler, the members of the *Majlis-i-Shura* (Consultative Assembly), as this body was called, had to be trustworthy, good Muslims, male, adult, etc., and not active seekers of the office.

In connection with a discussion of the scope of legislation in the Islamic state, Mawdudi went into the qualifications of members of the *Majlis-i-Shura* somewhat more fully. What was said there, presumably, may be understood also to apply to the Head of State, in a superlative degree. One who acted as representative of the Muslim nation in its legislature had, he said,[307] first of all to have faith in the *Shari'a* and an absolute determination to observe it. He had also to have a good knowledge of the Arabic language in order to understand the ***Qur'an*** and to be able to derive the authentic *Sunna*. Sound insight into the ***Qur'an*** and the *Sunna*, both in respect to detailed injunctions and the general principles of the *Shari'a* was required. Also important was an acquaintance with the opinions and views of the *mujtahidin* (those who do *ijtihad*, experts in Islamic law) in previous generations. This Islamic knowledge, which was the foundation of all else, had to be balanced by a solid understanding of the problems of the time. But by far the most fundamental of all the qualifications for a legislator, however, was a commendable character and a record of good conduct, for laws made by corrupt individuals would not inspire confidence in people. Also of basic importance was the fact that members of the *Majlis-i-Shura* were not to be the hand-picked men of the ruler but rather persons who enjoyed the full confidence of the masses.

[305] MAUDUDI, 1960: p. 281.

[306] MAUDUDI, 1960: p. 255.

[307] MAUDUDI, 1960: p. 80.

The function of the legislature was really that of law-finding, not of law-making, and even that function was confined within quite strict limits.[308] The legislation envisaged took four forms: 1) interpretation; 2) situations where the *Shari'a* had not laid down specific injunctions but had made provisions for analogous situations in which the same principles were in operation (*qiyas*); 3) inference from general principles to derive guidance for situations where the *Shari'a* had provided nothing specific; and 4) "province of independent legislation", where the *Shari'a* was totally silent, or God had said nothing, having left it to the discretion and judgement of men to make the laws which they saw fit. The legislature or consultative body would be at the disposal of the ruler for him to consult, but in Mawdudi's presentation of the matter its opinions and judgements were not binding either upon the ruler or the people of the Islamic state.[309]

The ruler in an Islamic state was only one caliph or vicegerent of God among an entire community of caliphs, and he ruled only because the other caliphs had delegated their caliphate to him. He was answerable both to them, on the one hand, and to God, on the other, as indeed all individual Muslims were directly answerable to God. The ruler had to enforce the all-embracing divine law, but he could not legitimately go beyond its dictates to try to tell people what kind of dress they had to wear, what script they had to use when they wrote, or how they had to educate their children.[310] His personal whims or preferences counted for nothing since he was but the agent of the agents of God on earth. Thus, "popular vicegerency" formed the basis of democracy in an Islamic state while "popular sovereignty" was its basis in a secular state.[311] The practical meaning of this popular vicegerency was that the government of the Islamic state could be formed only with the consent of all the Muslims, or at least a majority of them, and could remain in office only so long as it continued to enjoy their confidence.

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[308] MAUDUDI, 1960: p. 77.

[309] ADAMS, 1983: pp. 106-133.

[310] A critical reference to the comprehensive nature of the modern state and, perhaps, to the reforms by Mustafa Kemal (Atatürk) in the new Republic of Turkey, the situation of Muslim populations under Russian/Soviet rule, and/or the situation of Muslims under British rule in India and the growing influence of the Congress Party, which Mawdudi equated with Hindu nationalism.

[311] MAUDUDI, 1960: pp. 150-151 and 278; SAYEED, 1999: pp. 209-212.

The fourth principle of the Islamic state was that it had to conduct its affairs by mutual consultation (*shura*) among all the Muslims. While Islam did not prescribe the institutional form in which consultation had to occur, leaving it to the community to devise the best and fairest means, as might suit the conditions of a particular time and place, it did insist that all people concerned in a decision had to be consulted, either directly or through their designated representatives whom they trusted. Further, this consultation should be completely free and impartial without duress of any kind; otherwise it was hardly to be considered a consultation at all. The rule of consultation applied, in the very first instance, to the choice of the head of state, and because consultation had to occur, there could be no question of dictatorship, monarchy, or despotism in the Islamic context. Another implication of consultation was to deprive the ruler under any circumstances of the right and the power to set aside the constitution at his own will, for had he that power, he would be virtually uncontrollable.[312]

IV.3.2. The nature of an Islamic State as a theo-democracy

For Mawdudi, the requirements that Islam laid down for mutual consultation and consent among the Muslims were the basis for the claim that the Islamic state was a democratic state. Mawdudi said that the most appropriate title for an Islamic State would be, perhaps, to call it the "Kingdom of God", a notion that was rendered in English as "theocracy". Nonetheless, Islamic theocracy was something altogether different from the theocracy of which "Europe had a bitter experience wherein a priestly class, sharply marked off from the rest of the population, exercises unchecked domination and enforces laws of its making in the name of God, thus virtually imposing its own divinity and godhood upon the common people. Such a system of government is satanic rather divine. Contrary to this, the theocracy built up by Islam is not ruled by any particular religious class but by [the] whole community of Muslims including the rank and file. The entire Muslim population runs the state in accordance with the Book of God and the practice of His Prophet. If I were permitted to coin a new term, I would describe this system of government as a 'theo-

[312] MAUDUDI, 1960: p. 280.

democracy', that is to say a divine democratic government, because under it the Muslims have been given a limited popular sovereignty under the suzerainty of God". This "theo-democracy", for Mawdudi, was not to be compared with any other system of government that the world had ever known. It rested upon the twin principles of the sovereignty of God and the caliphate of man. It might be called theocratic in a sense because it based itself upon God's command and would not depart from it. At the same time it was also democratic because it made every Muslim the agent for the realization of God's will on earth and demanded their constant mutual consultation in the community. The Muslims, Mawdudi said, had a limited popular sovereignty, expressed principally in their right to depose the head of government and their right to express themselves on every public issue. All administrative matters and all questions about which no explicit injunction was to be found in the *Shari'a* were to be settled by the consensus of opinion among the Muslims. Every Muslim who was capable and qualified to give a sound opinion on matters of Islamic law was entitled to interpret the law of God when such interpretation became necessary: "In this sense the Islamic polity is a democracy".[313]

Among the numerous special characteristics that Mawdudi attributed to the Islamic state, two may be singled out for special consideration: the universal and all-embracing nature of the state, and its ideological character. The purposes of an Islamic state were positive as well as negative, and the object of the state was not merely to prevent tyranny, to put a stop to evils of various sorts, and to protect its territory but, more fundamentally, to foster a balanced system of social justice and to encourage every kind of virtue. To accomplish these ends, political power was required, and they justified the state in using all of the means at its command, propaganda, public education, etc., for the task. A state with these purposes could not permit itself to ignore important segments of the lives of its people on the ground that they were beyond the scope of its authority. Its approach had necessarily to be all-embracing and universal: "Its sphere of activity is co-extensive with human-life... In such a state no one can regard any field of his affairs as personal and private."[314]

[313] MAUDUDI, 1960: pp. 139-140.

[314] MAUDUDI, 1960: pp. 145-146.

To sum up, the state was totalitarian, which Mawdudi saw as not just the state's right but as its divinely ordained duty to exert control, based on proper moral and religious principles, over literally everything. To retreat from this position by permitting a large area of existence to remain beyond the state's authority would be equivalent to denying God's sovereignty over these excluded sections of life. In the controversy whether the best government was the least government or the most, Mawdudi was clearly on the side of those who favoured the maximum of government control. He admitted that there was a resemblance between the Islamic state which he described and the fascist and communist states of the modern world, in their mutual espousal of totalitarianism,[315] but as in the case of good and bad democracy he distinguished between good and bad totalitarianism.

Islamic totalitarianism, he assured his readers, did not suppress individual liberties just as the limitations placed on popular sovereignty by Islam did not suppress human freedom but rather protected it. There also could be no hint of dictatorship in the Islamic state; it would, presumably, be a totalitarian theo-democracy. In comparison with the democratic states with their emphasis upon freedom on the one hand and the modern totalitarian states with the suppression of the individual on the other, Islam represented a balanced middle way that captured for itself the virtues of both of these extreme expressions of the political order, while at the same time avoiding their excesses and shortcomings.[316]

Individual liberties, it would appear, had to do with such things as styles of dress, the script to be used, the modes of children's education, already mentioned above in connection with the limitations on the powers of the ruler. Or, alternatively, they could fall within the great category of acts which, in Islamic law, were classified as neutral or permitted, neither mandatory, recommended, hateful, nor forbidden; the neutral type of acts was by far the largest category of all.

In connection with the rights of citizens, Mawdudi also indicated some other restrictions on the power of the totalitarian state: it could not deprive its citizens of life, honour, or property, unless Islamic law specifically justified it doing so; it could

[315] MAUDUDI, 1960: p. 146.

[316] MAUDUDI, 1960: p. 152.

not deprive anyone of personal liberty in the sense of incarcerating him without a just cause in law and due process; and the state also had to follow freedom of opinion and belief, permitting people even in organised groups, to hold such views as they would and peacefully to practice them so long as they did not disrupt the life of the state or attempted to impose their ideology on others by force.[317]

Another basic feature of the Islamic state consisted in its being an ideological state[318]: "All those persons who...surrender themselves to the will of God are welded into a community and that is how the 'Muslim society' comes into being. Thus, this is an ideological society – a society radically different from those which spring from accidents of races, colour, or country."[319]

IV.3.3. Rights of non-Muslims, minorities,

and the question of human rights

From Mawdudi's point of view, the cementing factor among the citizens of the Islamic state was the ideology that they all held in common. This ideology aimed at the reform of human society, and the state was its instrument for that purpose. It followed that the state had to uphold its ideology and protect itself against every effort to subvert it. Every other ideological state, Mawdudi argued, did precisely the same thing, drawing the line at those activities which were calculated to destroy the very foundations of the system itself. The Islamic state did not insist that everyone living within its territories subscribed to its ideology, for it did permit the existence of minorities that were not Muslim and acted to protect them, but it clearly could not permit the system to be attacked "with impunity" either from within or without.

Mawdudi did not write prolifically about human rights, and what he did write was not until later in his career. Human rights had not been important to conceptions of the state in the West when Mawdudi's views on politics and statecraft were

[317] MAUDUDI, 1960: pp. 266-268.

[318] MAUDUDI, 1960: p. 274.

[319] MAUDUDI, 1960: p. 48.

formed. He only addressed the issue when the Islamic state came under attack for having authoritarian proclivities and excluding minorities. What is interesting is what Mawdudi's treatment of human rights reveals about his universalist inclinations within a national framework. He argued that non-Muslim minorities' rights in the Islamic state would be those specified in the *Shari'a*'s teachings on the *dhimmis* (protected subjects who were followers of a religion recognized by Islam), and he alluded to the Ottoman *millet* system, whereby the empire was organized along communal lines, to a significant extent, as an example of how the Islamic state might work. Before those who criticized the division of the population of the Islamic state between Muslims and non-Muslims and the treatment of non-Muslims as second class citizens, Mawdudi was unapologetic. He did not simply assert that such a division was mandated by the *Shari'a*, but justified his prescriptions in terms of Western conceptions of the state and the rights of the citizenry in them. He argued that the Islamic state was not defined solely by its territorial boundary; it was an ideological state, with Islam serving as its protector and *raison d'être*. Hence, preserving the purity of the state's ideology was its foremost concern, and one that justified excluding from authority or from any position that could influence the working of the state those not subscribing to its ethos (e.g., voters). He added that Western democracies and communist regimes alike had treated their national and ideological minorities in a similar fashion, although they might not admit to it. He denied that the *dhimmi*-Muslim dichotomy was undemocratic, suggesting to the contrary that to force the majority to abide by the dictates of the minority would be undemocratic.[320]

Two important consequences followed from viewing the Islamic state as being an ideological state. The first was that the state had to be controlled and run exclusively by Muslims. It was of particular importance that the head of the state, the *locus* of all power and authority, should be Muslim, and others were rigorously excluded from that most important of all positions. Of almost equal weight was the need to have faithful Muslims in those other posts of responsibility where state policy was formed and the general orientation of the state's affairs determined. It was illogical, from Mawdudi's viewpoint, to expect non-Muslims, who did not believe in the Islamic ideology to uphold it and work out its consequences in the life of

[320] MAUDUDI, 1960: pp. 69-70; and NASR, 2000: pp. 1-22.

society.[321] People of other religious persuasions could hold non-sensitive posts in an Islamic order, including fairly high ranks in the civil secretariat and even in the military, but they had to be rigorously excluded from influencing policy decisions.[322]

The second consequence of the Islamic state being an ideological state was worked out in its conception of citizenship. Since Islam was straightforward and truthful, it plainly prescribed two kinds of citizenship in the Islamic state,[323] one kind for Muslims who were domiciled within the territory of the state and the other kind for all those non-Muslims who agreed to be loyal and obedient to the Islamic state in which they lived.[324]

Upon the Muslims fell the full responsibility for the conduct of the state, for they alone fully believed in it. It were they who had to assume the obligations Islam imposed, including defence, and in return they had the right to be members of its Parliament, to vote in choosing the Head of State, and to be appointed to key posts where state policy was laid down. The non-Muslim citizens or *dhimmis* were guaranteed protection of life and limb, property and culture, faith, and honour.[325] What they were not guaranteed was either full political expression or full equality with their Muslim fellow citizens. The Islamic state would enforce upon them only the general law of the land while leaving them free to use their own community personal law to regulate affairs in that sphere. They had a number of other guarantees and protections extended to them as well, including the guarantee of the state to provide the basic necessities of life, food, shelter, and clothing to all of its citizens without distinction. Islam, Mawdudi said, did not wish to abolish or destroy its minorities but to protect them, and this policy stood in the starkest contrast, he argued,

[321] MAUDUDI, 1960: pp. 146-147 and 295.

[322] MAUDUDI, 1960: p. 298.

[323] MAUDUDI, 1960: p. 263; and MOUSSALLI, Ahmad S. 2003. ***The Islamic quest for Democracy, Pluralism, and Human Rights***. Gainesville: University Press of Florida, pp. 148-149.

[324] MAUDUDI, 1960: p. 278.

[325] MAUDUDI, 1960: p. 147.

with state policy towards minority groups in every other political system in the world.[326]

IV.3.4. The *Shari'a* and its role

There was no question, for Mawdudi, that the divine will had laid down a law (*Shari'a*) for human conduct just as it had ordained a law for everything else. One's attitude toward that law was the central issue of human life; upon it turned the decision whether one should submit to the divine will for the way in which life should be lived or whether he should rebel against it and go astray in error. Islam, which for Mawdudi meant *submission*, had brought in its train earthly blessing and heavenly reward while rebellion and refusal to submit produced only evil, unhappiness, and eternal punishment. Thus, the historical controversy that Islam had awakened had not had to do with whether God was the creator or not but with man's willingness or refusal to recognize him as Lord; the issue was not the control of nature but rather who should claim the allegiance of men. The law that God had prescribed for men to follow was readily accessible to all who may be interested to learn its provisions; it was set forth in the Book of God, the ***Qur'an***, and in the lives of those through whom God had revealed His book, the Prophets, especially in the practice of the last one, Muhammad. Prophecy was the means chosen by the divine to give concrete expression and exemplification to its will. These two, the ***Qur'an*** and the *Sunna* of the Prophet, therefore, were the ultimate authorities for all true Muslims in every question that might concern either their individual or their collective lives.[327]

When the ***Qur'an*** and the Prophet spoke on an issue, there was no higher court of appeal, for to displace or impugn them would be an offense against the awesome majesty of God, to commit the unpardonable sin of associating others with the prerogatives that were exclusively His. There was one true and unimpeachable source of law, one rightful law-giver and only one, who had chosen to make his *Shari'a*

[326] MAUDUDI, 1960: pp. 64, 147 and 295-298. Mawdudi gives the example of the treatment meted out by the Communist states to persons holding creeds and ideologies other than its own, and the mass murders perpetrated by and in the West during the Second World War.

[327] MAUDUDI, 1960: pp. 46-49 and 138.

known through the agencies of revelation and prophecy. Everything that men enacted or observed as law in their societies was to be measured against the dictates and the spirit of the ultimate law found in the two great sources of all Islamic inspiration. The *Shari'a* in both its broad objectives and its specific provisions envisaged more than the fostering of good and the avoidance of evil in the lives of individuals. To be sure, the *Shari'a* prescribed the modes of worship for the individual and gave guidance for personal morality and action along with many other things of purely individual concerns, but it also prescribed directives for collective life as well. These directives touched such matters as "family relationships, social and economic affairs, administration, rights and duties of citizens, judicial system, laws of war and peace and international relations. In short it embraces all the various departments of life. [...] The *Shari'ah* is a complete scheme of life and an all-embracing social order where nothing is superfluous and nothing lacking."[328]

The *Shari'a* was also an organic and integrated whole whose many aspects and provisions did flow logically and ineluctably from the same basic principles. Mawdudi believed that the organic and all embracing nature of the divine law had been forgotten or neglected by Muslims for most of their history since the time of the Rightly Guided Caliphs (632-661). What was presently known as Islamic law, he said, was only part of the larger whole. It had no independent existence and could neither be understood nor enforced apart from the total system to which it belonged.[329]

The establishment of the Islamic system in its entirety was the goal toward which he strove; only then could the provisions of Islamic law be properly implemented. One of the implications of the organic understanding of the *Shari'a* that is repeated over and over again in Mawdudi's writings is that it did not recognise any division between religion and other aspects of life,[330] and most specifically between religion and the state. There was, he insisted, no area of man's activity and concern to which the *Shari'a* did not address it with specific divine guidance. Thus the

[328] MAUDUDI, 1960: pp. 49-52.

[329] MAUDUDI, 1960: pp. 52-53 and 57.

[330] MAUDUDI, 1960: p. 165.

cultivation of private piety, worship, and the ordering of the individual's relationship with God, the matters that were normally identified as "religion" in popular parlance, did not satisfy the demands of the *Shari'a*. True Islamic faith had to permeate into social actions and attitudes, had to strive for the creation of an Islamic society as well as for personal righteousness.

Secularism, which Mawdudi equated with the separation of religion and state or with religionlessness, was considered to be the very contrary of Islam since it opened the way, as he saw it, to the exclusion of all morality, ethics, or human decency, from the controlling mechanisms of society. This, he thought, was precisely what had happened in the Western world whose governments and social bases he never tired of condemning as unutterably and irredeemably corrupt. In his mind, morality of any kind was simply inconceivable without religion and the sanction of eternal punishment to support it. When religion was relegated to the personal realm, men inevitably gave way to their bestial impulses and perpetrated evil upon one another. In fact, it was precisely because they wished to escape the restraints of morality and the divine guidance that men espoused secularism. The evils that arose from the domination of men over man could not occur in the Islamic system because it would not permit the life of the state to be carried on in isolation from the dictates of religion and the divine law. From the perspective of the *Shari'a*, life was a seamless whole that had to be lived in its entirety under the perspective and within the limits set by God.[331]

A state or some other instrument that would exercise political power was the necessary consequence of this conception of a universal divinely ordained pattern for the life of men in the world. Not only would the realization of the objective of the *Shari'a* to foster good and interdict evil in society be impossible without the agency of the state and the power it commands,[332] but the *Shari'a* itself specifically prescribed the creation of a state as witnessed in certain verses of the ***Qur'an*** but above all in the examples of the Prophet and the Rightly Guided Caliphs: "the reforms which Islam wants to bring about cannot be carried out merely by sermons. Political power is essential for their achievement. [...] The struggle for obtaining control over

[331] SAYEED, 1999: pp. 188-193.

[332] MAUDUDI, 1960: p. 175.

the organs of the state when motivated by the urge to establish the *din* (religion) and the Islamic *shari'ah* and to enforce the Islamic injunctions, is not only permissible but is positively desirable and as such obligatory". [333]

Accordingly, in Mawdudi's understanding, the *Shari'a* also provided the basic outline of the state's nature and characteristics. Guidance for Muslims about the state which they were obligated to establish, or in other words, materials for the constitution of an Islamic state, were to be found in four principal sources: the ***Qur'an***, the *Sunna* of the Prophet, the conventions and practices of the Four Rightly Guided Caliphs, and the rulings of the great jurists of the Islamic tradition.[334]

A careful study of these four sources, all of which were written down, readily accessible, and well known, was, according to Mawdudi, sufficient for the implicit and unwritten state constitution set out in the *Shari'a* to be reduced to systematic written form. For any careful student of these basic documents the necessity of an Islamic state would be inescapably clear, and it would also be abundantly evident precisely what an Islamic state was. Mawdudi rejected as ignorance or deliberate mischief-making the criticism of the many Muslims, mostly liberal and Westernized modernists, who ridiculed the idea of an Islamic state, who claimed that the basic sources of Islamic faith offered no guidance about the practical aspects of establishing and forming a state. The Islamic state, for Mawdudi, was a model of governance that was conceived in contradistinction to Western models and did not therefore represent a return to pre-modern socio-political organization.[335]

Although Islamist thinkers, Mawdudi prominent among them, have sought to define the Islamic state in terms of *Shari'a* concepts and early Islamic institutions, there is little doubt that what they seek to define is a constellation of modern organizations, performing functions associated with modern states. That Mawdudi characterized the Islamic state in terms that emphasized its hybrid nature, such as "theodemocracy" or "democratic caliphate", using adjectives that come from Western political ideals rather than from the *Shari'a*, attests to this tendency. The concept of

[333] MAUDUDI, 1960: p. 165.

[334] MAUDUDI, 1960: pp. 40-70.

[335] MAUDUDI, 1960: pp. 62-66.

the Islamic state was therefore a tacit acceptance of the paradigm of the nation-state system, and through it an acceptance of an international one. Mawdudi did not subscribe to an abstract view of religion which consisted solely in the relationship between man and God with exclusion of all other worldly considerations. For him, Islam, the "true religion", not only provided a belief system and ideational framework but also filled life in its diversified aspects into it. The whole of life was thus a religious life in which, from beliefs and worship, principle of civic life, economy and political power were knitted together.[336]

[336] SAYEED, 1999: pp. 200-209.

DISCUSSION AND CONCLUSION

Islam and the State: three different conceptions by three different authors

This research aimed at exploring the interaction between Muslim intellectuals and "Western" political concepts, particularly the concepts of "State" and "Nation-State", between the late 19th century and the middle of the 20th, in India. The rich and diverse political discourses of Muslim intellectuals, reflecting its diversity, showed that there is no such thing as an "authentic" and "unchanging" Islam, challenging the characterization of Muslim political discourse as a "return to an authentic Islam" or as an "imitation of Western political discourse". It also sought to study how Islam was reinterpreted in the light of modern material and intellectual developments. If it is true that Mawdudi constructed Islam as an ideology and polity, Chiragh 'Ali, on the other hand, confronted by Orientalist portrayals of a "rigid unchanging Islam", argued that Islam was not inimical to the adoption of new Western political ideologies and/or institutions. In what refers to Muhammad Iqbal, in an attempt to link aspects of "Islamic heritage" to "Western" institutions, he considered that "Western" political concepts, as they were understood at the time, such as "Democracy" and "Republicanism", were in fact Muslim political concepts that the British, through their Empire, were spreading throughout the world. Later, Iqbal would construct Islam as an ideology and polity, without advancing in concrete terms how that polity would work. Criticising the West, especially after the First World War and its brutality, but without abandoning what he had defended earlier in his life, Iqbal's ideas would be very influential on Mawdudi, who was a friend of his. Mawdudi was very critical of those attempts to equate Islam with new "Western" political ideas and practices. He felt that the writing of apologetic pieces was the result of a defensive stance on the part of Muslim scholars, while, at the same time, he was being influenced by those same ideas, practices, discourses and language.

As Quentin Skinner asserts, the idea of supreme political authority as the authority of the state was originally the outcome of one particular theory of civil association, a theory at once absolutist and secular-minded in its ideological allegiances. This theory was in turn the product of the earliest major counterrevolutionary movement in modern European history, the movement of

reaction against the ideologies of popular sovereignty, initially developed in the Dutch and French religious wars of 16th and 17th centuries, and subsequently restated in the course of the English constitutional upheavals of the mid-seventeenth century. Both the ideology of state power and the new terminology employed to express it served to provoke a series of doubts and criticisms. Some of the initial hostility stemmed from conservative theorists anxious to uphold the venerable ideal of one king, one faith, one law, repudiating any suggestion that the aims of public authority should be purely civil in character, and sought to reinstate a closer relationship between allegiance in church and state. Some wished in addition to make it clear that sovereigns were of far higher standing than mere representatives, and to insist that the powers of the state must be understood to inhere in them and not in the person of the state.

Much of the initial hostility, however, came from radical theorists who wished to reassert the ideal of popular sovereignty in place of the sovereignty of the state. The contractarian writers of the next generation, including John Locke (1632-1704) and such admirers as Benjamin Hoadly (1676-1761), sought to avoid the terminology of state power altogether, preferring to speak of "civil government" or "supreme civil power". Echoing similar suspicions, the so-called commonwealthmen maintained their loyalty to the classical ideal of the self-governing republic throughout much of the 18th century, and likewise eschewed the vocabulary of state power in favour of continuing to speak of civil associations and commonwealths. At the end of the 18th century, a renewed counterrevolutionary effort was made to neutralise these various populist doubts. Hegel (1770-1831) and his followers argued that the English contractarian theory of popular sovereignty merely reflected a failure to distinguish the powers of civil society from those of the state, and a consequent failure to recognise that the independent authority of the state was indispensable if the purposes of civil society were to be fulfilled. But this hardly provided an adequate reassurance. On the one hand, the anxiety of liberal theorists about the relationship between the powers of states and the alleged sovereignty of citizens gave rise to confusions which have never been resolved. And on the other hand, a deeper criticism arose out of these Hegelian roots, according to which the state's vaunted independence from its own agents as well as from the members of civil society amounted to nothing more than a pious fraud. Given the importance of these rival ideologies, it is remarkable how quickly the Hobbesian conception of the state nevertheless succeeded in establishing

itself at the heart of political discourse throughout Western Europe. This is not to say that the concept was always well understood even by those who made prominent use of it. Rather it gave rise to a serious confusion which has continued to bedevil the analysis of public power ever since. The chief architects of the confusion were those self-consciously commonsensical writers who felt it obvious that the powers of the state must be reducible to the powers of some identifiable person or apparatus of government.

Once the term *state* came to be accepted as the master noun of political discourse, a number of other concepts and assumptions bearing on the analysis of sovereignty had to be reorganised or in some cases given up. One concept that underwent a consequential process of redefinition was that of political allegiance. A subject or *subditus* had traditionally sworn allegiance to his sovereign as a liege lord. But with the acceptance of the idea that sovereignty was lodged not with rulers but with the state, this was replaced by the familiar view that citizens owed their loyalty to the state itself.[337]

Political institutions and practices which had evolved in the West were considered by Western intellectuals and statesmen as the sole models of political modernity, models which had to be adopted by the rest of the world. Particularly important was the model of the modern nation-state, and the expansion in print media and education led to the rise of a new group of Muslim intellectuals who claimed authority not only to interpret Islam but also to act as spokesmen for the community, a fragmentation of religious authority which facilitated the rise of a number of intellectuals who sought to exercise *ijtihad* (independent reasoning) in order to provide solutions to contemporary problems, and who were active not only in acquiring new socio-political ideas from the West, but also in reinterpreting their own traditions in the light of these new ideas. Islam meant, and means, different things to different intellectuals, who attribute different meanings to it, and drew, and draw, from varying sources within and without the "Islamic" tradition in developing their socio-political thought. While Chiragh 'Ali refused to accept the *Sunna* and *Hadith* as authentic sources of Islam, asserting that all sorts of political systems could and have

[337] SKINNER, Quentin. 2004. "From the state of princes to the person of the state" in ***Visions of Politics. Volume 2: Renaissance Virtues***. Cambridge: Cambridge University Press, pp. 405-406 and 410.

been defended by an appeal to traditions, Muhammad Iqbal and Mawdudi had different opinions. However, the three agreed that the ***Qur'an*** was the only authentic source to which Muslims could look back to formulate any socio-political interpretation. Their reactions to political realities, especially the acceptance or rejection of "Western" socio-political institutions and concepts, often depended upon or reflected their interpretation of Islam. Chiragh 'Ali, Muhammad Iqbal, Mawdudi, and others, were intrinsically attached to Islam and they looked to Muslim history, theology, sources and its symbols to help them face the challenges of modernity. However, they did attribute varying meanings to Islam, and each believed that their interpretation was a return to the true authentic Islam.

Chiragh 'Ali, while dismissing claims that Islam presented its followers with a binding political and social structure revealed in the ***Qur'an*** and the *Sunna*, set about to prove, firstly, that the *Sunna* was not a reliable source on which to base an interpretation of Islam, and, secondly, he asserted that the ***Qur'an***, accepted as the sole reliable source for an analysis of Islam, stipulated no socio-political structure. His dismissal of the *Sunna* and *Hadith* as authentic sources of Islam implied that there was no basis for "Muslim Common Law", and that the true development of Muslim societies lay in the development of a "secular" state legal system, with a separation of "Church" and "State", "Religion" and "Politics", at a time when the modern State, in this case the "Nation-State" and Secularism as its ideology, was becoming the political norm, hand in hand with the idea, naive it must be said, that "Politics" were fully embodied in the "State", while "Religion" was fully embodied in the "Church", which is also a political organization and an institution characteristic of only a part of Humankind.

For Muhammad Iqbal and Mawdudi, however, Islam was not just a relationship with God, but also a comprehensive and complete system, covering all aspects of human life, with no separation of "Religion" and "Politics", in the case of Iqbal, or with a fusion of "Religion" and "Politics" in the case of Mawdudi. These reconstructions of Islam as a system were attempts to establish an "Islamic" ideal, a vision of life set against the "West" and its ideological and political domination. As in Islam there is no such thing as a "Church", Iqbal considered that "Church and State were not the two sides of the same thing, because Islam was an unanalysable singular

reality, patent in the law", something organically related, while for Mawdudi Islam had been since the time of the Prophet Muhammad "Religion" and "Politics". Confronted by colonialism and the disempowerment of both the Muslims and the East in general, they looked to Islam to provide a solution to contemporary problems, a construction that emerged out of the interaction with colonialism and Western ideologies.

(The World of) Islam and Politics nowadays

Sami Zubaida asked how applicable the classic concepts of "state" and "politics" were to the world of Islam.[338] Although there is convergence between the essentialist positions of the adherents of the Islamist movements and Westerners writing in the Orientalist tradition, modern states are products of social and cultural transformations accompanying the uneven expansion of a global capitalist economy. According to those essentialist positions, each postulates a cultural essence which underlies and unifies Islamic history and distinguishes it from an equally reductionist notion of the West. They see the territorial nation-state as an alien graft, imposed by the West but remaining "external" to Muslim society, "the game of intellectuals and politicians". In Islamic societies, both Islamists and Orientalists argue, the global unit of solidarity is the Islamic community of the faithful, the *Umma*; the territorial nation-state is incompatible with this higher unity. Western writers would add that alongside this global solidarity there is the more immediate solidarity of primary communities based on tribe, region, or sect, equally incompatible with the nation-state but played out within its alien political field under modern ideological labels like "nationalism" and "socialism". However, different parts of the Islamic world have experienced the impact of the "Nation-state". Although clearly of European origin, its diffusion to other parts of the world (including much of Europe itself) did not create replicas of the British or the French political systems, but has itself structured political processes and ideas in each region, and dominated the assumptions and forms of underlying political activity there. Even for those who would transcend the nation-state into pan-

[338] ZUBAIDA, Sami. 1997. "Is Iran an Islamic State?" in BEININ, Joel and STORK, Joe (eds.), ***Political Islam: essays from Middle East Report***. Berkeley/Los Angeles: University of California Press, pp. 103-104.

Arabism or pan-Islamism, the nation-state represents an elemental political fact and constraint. In fact, the assumptions and concepts of the nation-state underlie, implicitly or explicitly, most modern Islamist ideologies. In this and many other respects, they are not continuous with historical Islam but rather modern constructions influenced by current conjuctures.

The "Islamic World" is a huge area of land integrating multiple different cultural, ethnic and political entities, nevertheless, sharing significant common characteristics. What does seem clear, and may make people mistake the premodern situation, is that in modern times religious institutions, movements, and beliefs have had more political importance in the Muslim world than in the West. This is often attributed to special features of Islam, which are of some importance, but there appear to be other causes, such as, first, different historical experiences in the West and in the Islamic world, and, second, the imperial and colonial experiences suffered by Muslims tended to make them defensive about Islam and to define (as did some Westerners) the situation in religious terms.

During the twentieth century, and through the impacts of European imperialism and colonialism, two developments worked to modify the political situation in the Islamic world. One was the evolution of nationalism, and the other was the increasing importance of the structure of the state in society. These two trends often supported each other, as an independent nation-state had been the goal of many intellectuals and political activists. In the process, the ideals of the cosmopolitan Islamic community had not been forgotten, but they had to share the stage with the interests of the nation and the state. The *Umma*, the nation, and the state became sometimes competitors and sometimes complementary focuses of loyalty for Muslims.[339]

As Gudrun Krämer argues, at the core of much contemporary writing are a number of shared assumptions: that all people are born equal, having been installed as God's viceregents on earth (*istikhlaf*); that government exists to ensure an Islamic life and enforce Islamic law; that sovereignity (*siyada*, *hakimiyya*) ultimately rests with God alone, who has made the law and defined good and evil (*al-ma'ruf wa'l-munkar*),

[339] VOLL, 1994: p. 153.

the licit and the illicit (*al-halal wa'l-haram*); that the authority (*sulta*) to apply God's law has been transferred to the community as a whole, which is therefore the source of all powers (*asl al-sultat*); and that the head of the community or state (imam, caliph, or president), is the mere representative, agent, or employee of the community that elects, supervises, and, if necessary, deposes, either directly or via its representatives. This simplified scheme of government does not constitute a sharp break with classical Sunni doctrines which, in contrast to Shi'i positions, declared that the caliphate was based on the consensus of the Muslim community (*ijma'*), not on any preordained divine order. But compared even to the widely quoted treatises of ibn Taymiyya, with their emphasis on the centrality of the *Shari'a*, modern positions mark a definite shift of emphasis away from the person of the ruler and the duty of obedience and acquiescence for the sake of peace and order, even under unjust rule, to the authority of the community and the responsibility of every individual believer, reflecting the impact of modern political ideas as well as the decline and final abolition of the historical caliphate, in 1924. What emerges as a core concern for modern Muslims is the desire to check and limit arbitrary personal rule and to replace it with the rule of law, which had already been the preoccupation of nineteenth-century Arab and Ottoman constitutionalists, ranging from 'Abd al-Rahman al-Kawakibi and Khayr al-Din al-Tunisi, to Namik Kemal.[340]

To use "Islam" and "*Shari'a*" as generalized categories, as some scholars do, presents some dangers, because one cannot speak of historical entities that are wholly or predominantly determined by Islam. Islamic leaders, communities, cities, and symbols are merely conceptual categories that unduly privilege the cultural and religious over the social and political. As concepts, they reside properly in the minds of their producers but obscure the nature of historical and social realities. Weberian scholars have tried to form an understanding of the Islamic City in comparison with and as distinct from the European City. As the social foundation of capitalism, industrialization, and modernity, the city has become a compelling category in understanding social formation and development. The judgment, generally, has been that, compared with the European City, the Middle Eastern entity may not be called a

[340] KRÄMER, Gudrun. 1997. "Islamist notions of Democracy" in BEININ, Joel and STORK, Joe (eds.). ***Political Islam: essays from Middle East Report***. Berkeley/Los Angeles: University of California Press, pp. 75-76.

city. Bryan Turner, the Weberian interpreter of Islam, characterized the Islamic City as "aggregates of sub-communities rather than socially unified communities".[341]

Aside from the negative view evidenced in the above statement, the debate about the Islamic City has also produced some interesting ways of understanding the unique "social aggregates" in Islamic civilization. Islam, as van Leeuwen argues, is not a "monolithic force" that shapes manners and customs, much less the nature of a complex city, and the same author regards any city to be consisting of "the various statuses of space, the regimentation of space within urban environments, the influence of social relations on spatial organisation, the role of spatial structures in the exertion of power, or the focuses of intertwining networks in spatial organisation." The special case of cities occupied by Muslim peoples are but a measure of the "integration of several urban centres within one system which determines their type, and in this process cultural factors are only one of many causes," with the possibility of "differences and divergent developments".[342]

From this perspective, it makes no sense to speak of an Islamic City with religion as its most distinctive feature. The religiocultural aspect of social forms is only one of several features, and cannot be used as a point of identification. Calling something an Islamic city, Islamic bank, or Islamic science implies that Islam is its major determining factor. In reality, such naming only hides and obscures other characteristics like ethnicity, ideology, and historical circumstances that equally determine social formation. However, such a critical deconstructivist approach to social forms has the risk of becoming extremely one-sided. While it clearly shows how social scientists and historians impose categories on the subject matter at hand, it fails to consider how the actors themselves work with such symbols, and fails to acknowledge the way in which indigenous actors create and contribute to the symbolic formation of society. No matter how elusive its character, the Islamic City - much like the Islamic leader, ritual, or court - is one of those compelling symbolic categories by which Muslims create history. The task of the social scientist, hence, is

[341] TURNER, Bryan S. 1974. ***Weber and Islam***. London: Routledge & Kegan Paul, p.99.

[342] VAN LEEUWEN, Richard. 1995. "The quest for the Islamic City" in BOER, Inge E., MOORS, Annelies, and VAN TOEFELLEN, Toine (eds.). ***Changing stories: Post-Modernism and the Arab-Islamic World***. Amsterdam: Rodopi, p. 154-158.

to locate these symbols in their broader social context, not to dissolve them, nor neglecting how indigenous actors contribute, positively or negatively, to the creation of social entities. As Aziz al-Azmeh argues, there are as many *Islams* as there are situations that sustain it, and critical reflection must contextualize them into the flow of historical and social forces, and thus deculturalize and demystify them.[343]

Bringing Religion back into the study of Western Politics

A common complaint from political scientists involved in the study of religion is that religious issues have been largely overlooked by political science. Steven Kettel shows that political science publications involving religious topics have been significantly fewer than those engaging with subjects typically regarded as being more central to the discipline, and where they have engaged with religious issues, these articles have also focused on a limited number of subject areas and been concentrated in specific disciplinary subfields.[344]

At the same time, and now from a historical point of view, J.C.D. Clark offers a critical reconsideration of a central component of modernization theory. The model of secularization devised within the sociology of religion, when compared with the results of historical research in a range of themes and periods, is now often radically inconsistent with that sociological orthodoxy. He concludes that an older historical scenario which located in the early modern period the beginnings of a "process" of secularization that achieved its natural completion in the nineteenth or twentieth centuries is finally untenable, and proposes a broader, more historical conception of "religion" able to accommodate both persistent religiosity and undoubted changes in religious behaviour.[345]

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[343] AL-AZMEH, Aziz. 1993. ***Islam and Modernities***. London: Verso.

[344] KETTEL, Steven. 2012. "Has Political Science ignored Religion?" in ***PS: Political Science and Politics***, V. 45, n. 1 (January). Cambridge: Cambridge University Press, pp. 93-100.

[345] CLARK, J.C.D. 2012. "Secularization and Modernization: the failure of a 'grand narrative'" in ***The Historical Journal***, V. 55, issue 1 (March). Cambridge: Cambridge University Press, pp. 161-194.

Historical evidence shows that religion has been far more entwined with state formation than has been assumed. In Europe, organized religion thrived with the expansion of the modern state, using its fruits and apparatuses, including those governing fiscal regulation and violence, to augment its own powers.[346] States in turn used religious institutions and appropriated church lands and property to augment their powers and revenue. Thomas Ertman writes that the church was important to the expansion of royal authority in the tenth and eleventh centuries in Latin Europe, and provided the Carolingian state with institutions through which to exercise authority and rule. The Carolingians totally integrated the church into state apparatuses to create state administration, and took over various papal territories and ecclesiastical resources, which accounts for the Christianization of the Frankish Empire of the Carolingians after 800.[347]

Similarly, Robert Wuthnow has shown that as the rise in trade in the 1500s supported both rise of the state and the Reformation in central and northern Europe, there emerged a symbiosis between the two. In Sweden and Denmark the princes turned to the Reformation because it provided them with the opportunity to appropriate church lands, quadrupling Crown lands in the case of Gustav Vasa of Sweden, who dissolved monasteries in 1527 and took their land. This trend was also evident in England, where the Reformation was a revolution from above with broad implications for state power and capacity. In 1533 the king was proclaimed head of the Church of England, which placed all ecclesiastical affairs in England under state authority. In 1532 the Parliament forced the clergy to surrender ecclesiastical law to the jurisdiction of the Crown and forbade papal annates. The ties with the Vatican were further weakened in 1533 with the Act of Restraint of Appeals to Rome, which prohibited appeals by domestic courts outside the realm. In 1534 the Act of Supremacy named the king supreme head of the Church of England. In the same year the dissolution of monasteries began, which by 1539 placed all their lands in state hands; and in 1540 all property of the church was vested in the Crown.[348] This

[346] MANN, Michael. 1979. "State and Society, 1130–1815: An Analysis of English State Finances" in ZEITLIN, Maurice (ed.). ***Political Power and Social Theory***. V. 1. Greenwich: JAI Press, pp. 165-208.

[347] ERTMAN, Thomas. 1997. ***Birth of the Leviathan: Building States and Regimes in Medieval and Early Modern Europe***. New York: Cambridge University Press, pp. 35-89.

[348] WUTHNOW, Robert. 1989. ***Communities of Discourse: Ideology and Social Structure in the***

allowed the Crown to take over the ancient parish administration that had until that time been ecclesiastical. That administration was made into an instrument of poor relief and provided the Privy Council in London with a direct role in, and considerable control of, local affairs.[349] The fusion of the Reformation and nationalism thus supported the expansion of state capacity and reach.[350]

Philip Gorski has underscored the importance of the "disciplinary revolution" that followed the Reformation to shape later state formation in Holland and Prussia. Writing on the Dutch Republic of 1560–1650 and Hohenzollern Prussia of the 1640s to 1720, Gorski argues that it was Calvinism that provided primary support for the "social and organizational basis for establishment of a *strong system of local government.*"[351] In both Holland and Prussia the state internalized Calvinist ethics and used the strong institutions that they had formed at the base of the society to strengthen the state. This process reached its apogee under Frederick William I, who favoured Calvinist recruits into state institutions. Gorski thus associates the strength of Dutch and Prussian state institutions, especially the bureaucracy, with Calvinist ethics.

The successful use of religion to expand state powers led to the state's assumption of some form of religious authority, which was most evident in the English king's arrogation of the status of head of the Church of England, confirming the observation that successful use of religion to expand state powers requires the state to assume the requisite religious and cultural guise. It is also evident from the above cases that, as states use religion to expand, they ensure certain sociopolitical roles for religion and even expand the purview of its powers. Central and northern

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Reformation, the Enlightenment, and European Socialism. Cambridge: Harvard University Press.

[349] FISCHER, Wolfrem, and LUNDGREEN, Peter. 1975. "The Recruitment and Training of Administrative and Technical Personnel" in TILLY, Charles (ed.). ***The Formation of National States in Western Europe***. Princeton: Princeton University Press, pp. 456–561.

[350] TURNER, 1988: p. 326.

[351] GORSKI, Philip S. 1993. "The Protestant Ethic Revisited: Disciplinary Revolution and State Formation in Holland and Prussia" in ***American Journal of Sociology***, V. 99, n. 2 (September). Chicago: The University of Chicago Press, pp. 265–316.

European states used the Reformation to construct viable states, ensuring the domination over large parts of Europe.[352]

Even nowadays there are many European countries with State religions, and, in the United States, Christianity, be it Protestant or Catholic, plays an extremely important role in politics, setting the moral boundaries and concerns within which political discussion unfolds, and hence can be considered the premiere political institution in some sense. Greater recognition must be given to the way Western concepts (religion, politics, secular, and temporal) reflect specific historical developments, and cannot be applied as a set of universal categories or natural domains. Although discussions of political motivation or class interest should continue to be important parts of accounts of contemporary Islam, they are not necessarily germane to a description of every problem the analyst poses. As Nikki Keddie wrote, religions do have a shape and influence coming from the past, although particular adaptions vary with time and circumstance.[353] Hence, it is important to give more attention to religion and its relation with politics, but without reducing them to narrow categories as if "Politics" were fully embodied in the "State", while "Religion" was fully embodied in the "Church" (which is also a political organization), or as if the relations between "religion" and "politics" could be reduced to the institutional relations between "Church" and "State" as if with the "Separation of Church and State", "Religion" and "Politics" had been separated.

Bringing everything else back into the study of Islamic Politics

"Religion" means different things to different people: it can be an identitarian affiliation, a spiritual affirmation, or just faith, and all these factors have an impact in society, in the political process, which does not exhaust itself in the "State". Muslims themselves have often considered Islam a total world view comprising religion and politics, however little this unity has been realized. This view on the totalizing aspect of Islam appears especially in periods of instability, rather than during stable political

[352] NASR, Seyyed Vali Reza. 2001. ***Islamic Leviathan: Islam and the Making of State Power***. Oxford: Oxford University Press, pp. 18-21.

[353] KEDDIE, 1994: pp. 463-466.

environments. Although the Islamic revival of recent decades is in many ways novel, it has some important resemblances to revolts of the past. Among these resemblances is a return to the early (idealized) combination of religion and politics, with the enforcement of Qur'anic and legal provisions. Looking at several unconnected Islamic militant movements suggests ideological similarities that owe something to a widespread belief in what relations between religion and politics in Islam should be.

In 1996, Ira M. Lapidus wrote[354] that the history of the Middle East and of the wider Muslim world reveals a variety of institutional situations. The supposed Muslim norm of the integration of state (political organization) and religious authority, and the identification of state and religious community, actually characterized only a small segment of Middle Eastern and other Muslim populations. Undifferentiated state-religious situations were characteristic of lineage or tribal societies, as in Muhammad's Arabia, North Africa and Morocco, early Safavid Iran, and as in the reformist period of the eighteenth and nineteenth centuries. Even in such cases the conquest of an agriculture-based, urbanized society would start a process of differentiation that broke down the integral connection of state and religion. Conversely, the historic norm for Middle Eastern agro-urban-imperial societies has been the institutional differentiation of state and religion. Royal households or courts, political elites and the language and cultural style of the ruling classes were different from those of religious elites. In the Abbasid, Saljuq, Ottoman and Safavid empires the central fact is the differentiation of state and religious institutions, and the central problem has been to define the relations of the two. These relations vary across a wide spectrum from a high degree of state control over a centrally managed religious establishment, to a more independent but co-operative relationship (as in the Saljuq case), to full autonomy and even open opposition to state policies. Even in cases where Muslims, at least in principle, maintained their aspiration for an ideal society in which state and community were integrated, they were not necessarily committed to bringing it about in practice. In return for state support, the *'ulama* legitimized the reigning governments and taught the common people the virtues of acceptance and submission. Despite the common statement (and the Muslim ideal) that the institutions of state and religion are unified, and that Islam is a total way of life which

[354] LAPIDUS, Ira M. 1996. "State and Religion in Islamic Societies" in ***Past and Present***, N. 151 (May). Oxford: Oxford University Press, pp. 3-27.

defines political as well as social and family matters, most Muslim societies did not conform to this ideal, but were built around separate institutions of state and religion.

Thus we have two principal Islamic theories of the nature of an ideal Muslim political society. One looks to a unified state and society under the leadership of a caliph whose authority extends to all realms of personal and public concern. The second tacitly recognizes the institutional division between the structures of state and religion and looks to the religious sphere for personal and communal fulfilment. Each of these concepts of the Muslim political order - the unified and the separated state and community - has had a profound effect on the current history of Islamic societies. The contemporary Islamic revival (so-called fundamentalist) movements are inspired by the vision of a prophetic community. They attempt to return to the principles of Islamic morality and to a renewal of personal commitment to the symbolic foundations of Islam. They commonly aim to control the state and to use the power of the state to enforce Islam, although Islam means different things to different movements.

Despite the appeal to the unity of state, religion and civil society, there is a considerable uncertainty about the ideal goals of those movements. The union of state and society envisioned in the neo-Islamic rhetoric is not an institutional arrangement or a commitment to any particular type of state institution, be it monarchical, representative, democratic, capitalist or socialist. The revivalist movements are not interested in constitutions; they are concerned rather with individual morals and ethical behaviour. To them the state is simply the force that requires the mass of the people to adhere to Islamic laws. The ideal state has no institutional form; it is embodied in the leadership of individuals dedicated to Islam who mobilize other individuals to realize religious values. Thus the revival movements have ambiguous political implications. While some revivalists believe that the control of the state is essential to the success of an Islamic social and moral programme, in practice it is not always clear that the revival movements give priority to political objectives. Many look upon states as inherently corrupt and incapable of realizing Muslim values. The state is not expected to embody transcendent values. Since they do not see the state as a realm of moral fulfilment, they do not expect that it will serve their aspirations for empowerment and economic well-being either. As in the case of their historical

predecessors, there is an ambiguity in their attitude towards political power which leaves the way open for a renewed separation of political and religio-communal concerns.[355]

The historical actuality of the division of Muslim societies into a realm of political authority and a realm of religiocommunal affairs has other contemporary reverberations. The long-established differentiation of state and religious communities has legitimized political power apart from Islam. The Ottoman Empire in particular achieved a *de facto* legitimacy as a conquering state and defender of Muslims, apart from religious validation. Ottoman (and Iranian) rulers were conceived, too, as vice-regents of God, direct agents of God's authority on earth. Beyond the theory of Islamic states lay the reality of legitimate non-Islamic monarchies. Religious communities embody a corresponding tradition of political passivity, and a tendency to accept political actualities and state power based upon conquest and preserved by force as an inevitable reality. In this tradition the realm of Islamic authenticity lies within the soul of the individual, and in the behaviour of individuals in small communities. This historical orientation provides a template for the construction of modern Middle Eastern states around secular cultural identities and development goals defined in either capitalist or socialist terms. In such states as Turkey, Tunisia, Egypt, Syria, Iraq and Jordan, Islam had been disestablished or the Islamic religious establishment brought under state control. Islam no longer legitimates the state and no longer defines its moral or social vision. All of these states have set up secular educational and judicial systems which actually compete with, and even replace, the primary functions of Islam. Where Muslim religious life has in general become separated from state institutions, it flourishes in a differentiated "civil society". The fact that the mass of the population has Muslim loyalties means that states give special consideration to Muslim symbols and Muslim practices. In recent years, with the rising importance of mass Islamic identifications and strong Islamist political movements, state elites have deferred to popular pressure for official recognition of the primacy of Islam and have relaxed, or even reversed, the earlier demand for

[355] For example, in Morocco, which is a monarchy, the king is also the *Amir ul-Mu'minin* (*Commander of the Faithful*, *Leader of the Faithful*, *i.e.*, besides being the political leader, the king is also the spiritual one), claiming a direct descent from the Prophet Muhammad. However, the Islamist movement *Al-Adl wa Al-Ihsane* (*Justice and Spirituality/Charity*) does not acknowledge the king as legitimate and advocates a Republic.

secularism; still, this has not led to the dismantling of secular legal or educational institutions. As far as the historic legacy remains an important factor in the contemporary Muslim world, its diversity is the basis of a corresponding diversity in the relations of states and religious communities. Today, as has been true since ancient times, we still find both integralist religio-political movements, states defined in Islamic terms, a *de facto* institutional differentiation of state and religion, and a great variety of relationships between the two.[356]

As Irfan Ahmad argues[357], the debate on the Islamic state has been conducted mostly in the field of Islamic studies or area studies and, not surprisingly, theological factors have weighed heavily in these debates. While sensitive to theology, social scientists should have an approach that gives primacy to the political factors and historical context in which philological interpretation is made and unmade, and critically subject theological arguments to the historical-political matrixes that shape them and, more importantly, the product of interpretation. An exclusively theological approach to the canonical texts, for example the ***Qur'an***, has serious limits. It is not a pristine text that yields meanings on its own and by itself; it is rather the distinct social condition and the biography of the person reading the text which produces its meanings. As the contemporary Egyptian scholar Nasr Abu Zayd observes, "the ***Qur'an*** is at the mercy of the ideology of its interpreter. For a communist, the ***Qur'an*** would thus reveal communism, for a fundamentalist it would be a highly fundamentalist text, for a feminist it would be a feminist text, and so on".[358]

Contrary to what Ernest Gellner and others have said, that Islam "was the state from the very start", the idea of an Islamic state is a distinctly modern development. The proposition by Bernard Lewis and Ann K. S. Lambton that, in Islam, from the beginning religion and the state were one and that the latter was an unsullied embodiment of *Shari'a*, "the revealed law of God" and hence immutable, is an ideologically de-historicized abstraction, and it does not help us to understand neither

[356] LAPIDUS, 1996: pp. 26-27.

[357] AHMAD, 2009: pp. S147-148.

[358] Quoted in AHMAD, Irfan. 2008. "Cracks in the 'mightiest fortress': Jamaat-e-Islami's changing discourse on women" in ***Modern Asian Studies***, V. 42, Special Double Issue 2-3 (Islam in South Asia). Cambridge: Cambridge University Press, p. 551.

the modern nature of the state nor the complexity of *Shari'a*, including how its meaning changed over time and space and the ways in which it was humanly recast. It is divine for Muslims (at least for those who are practicing the religion) to the extent that its frame of reference is the ***Qur'an*** and *hadith*, but it is fallible humans who have made and interpreted over time the body of conflicting juridical rules, instructions, and ethics generally called *Shari'a*.[359]

To argue that Islam was the state from the very start is, then, to impose a distinctly modern term on a pre-modern social formation. Equally misleading is the dominant assumption - widespread across the academic disciplines - that the so-called "theological" character of Islam forces it to fuse religion and politics, and that prior to the European encroachment in the late 18th century Muslims rarely studied politics in isolation from their religion.[360] This essentialist view on Muslim political literature neglects *akhlaqi* texts, "mirrors of princes", aiming at instructing on the right political conduct in specific political contexts and which were concerned not just with ethically good actions but also the issues of statecraft, political culture and philosophy. A tradition of dissidence, "mirrors of princes" redefined *Shari'a* in a "philosophical, non-sectarian and humane" way as a kind of protest against an overly legalistic approach. In many important ways, these ethical-philosophical texts transcended the conventional positions of *Shari'a* to address the concerns of the larger humanity. The history and practices of the Indian Muslim rulers show that most of them did not follow *Shari'a*. Rather, independent of *Shari'a*, they framed secular laws, *zawabit* (administrative, standards, principles). Moreover, the meaning of *Shari'a* itself varied. Far from stable, it was not only a body of juridical rules propounded by theologians, but also included *akhlaq* texts.[361]

Clearly, the concept of "the state" is quite modern, and entered the lexicon of the social sciences in the nineteenth century to understand the dramatic changes in early modern Europe from the seventeenth century onwards. To impose the modern

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[359] EICKELMAN, Dale F. and PISCATORI, James. 1996. ***Muslim politics***. Princeton: Princeton University Press.

[360] ENAYAT, Hamid. 2009. ***Modern Islamic Political Thought – the response of the Shi'i and Sunni Muslims to the twentieth century***. London: I. B. Tauris, p. 3.

[361] For further details on this, see ALAM, 2000: pp. 216-245; ALAM, Muzaffar. 2004. ***The languages of political Islam: India, 1200-1800***. Chicago: University of Chicago Press.

concept of the state on seventh-century Arab society is misleading. While this is not to suggest that seventh-century Arabia was bereft of any political formation, it was only during the early twentieth century that a fully developed political theory of the Islamic state emerged in the discourse of thinkers such as Mawdudi and al-Banna. The reason why the state became central to some thinkers was not because Islam theologically entailed it. Rather it did so because of the configuration of the early twentieth-century socio-political formations under which the state as an institution had acquired an unprecedented role in expanding its realm of action and the scope of its penetration. Since (political) Islam, or Islamism, was a response to the modern colonial state formation with its far-reaching consequences, it was only logical that the state became the centre of its discourse, which Mawdudi conceptualized as being indispensable to Islam. It was in the context of the separation between religion and the state that Mawdudi argued for a fusion of the state and Islam, making this argument because the colonial state had emerged as an omnipotent institution influencing every domain of life.

As William Connolly wrote[362], many scholars have argued that "political Islam" involves an illegitimate extension of the Islamic tradition outside of the properly religious domain it has historically occupied. Few, however, have explored this trend in relation to the contemporaneous expansion of state power and concern into vast domains of social life previously outside its purview - including that of religion. As it is known, through this ongoing process central to modern nation building, such institutions as education, worship, social welfare and family have been incorporated to varying degrees within the regulatory apparatuses of the modernizing state. Modern politics and the forms of power it deploys have become a condition for the practice of many personal activities.

As for religion, to the extent that the institutions enabling the cultivation of religious virtue become subsumed within (and transformed by) legal and administrative structures linked to the state, the (traditional) project of preserving those virtues will necessarily be "political" if it is to succeed. Within both public and private schools in Egypt, for example, the curriculum is mandated by the state: those

[362] CONNOLLY, William. 1995. ***The Ethos of Pluralization***. Minneapolis: University of Minnesota Press.

wishing to promote or maintain Islamic pedagogical practices necessarily have to engage political power. This does not mean that all forms of contemporary Islamic activism involve trying to "capture the state". The vast majority of these movements involve preaching and other *da'wa* (missionary) activities, alms-giving, providing medical care, mosque building, publishing and generally promoting what is considered in the society to be public virtue through community action.

Nonetheless, these activities engage the domain we call the political both in the sense that they are subject to restrictions imposed by the state (licensing, etc.), and in so much as they must often compete with state or state-supported institutions (pedagogic, confessional, medical) promoting Western models of family, worship, leisure, social responsibility, etc. The success of even a conservative project to preserve a traditional form of personal piety will depend on its ability to engage with the legal, bureaucratic, disciplinary and technological resources of modern power that shape contemporary societies. This argument diverges from the common one that Islam fuses religion and politics, *din wa dawla* (religion and state), in a way incompatible with Western analytical categories. It is worth noting, however, that this frequently heard claim does not deny the fact that Muslim thinkers draw distinctions between *din* and *dawla*; only that the specific domains designated by these terms, and the structure of their interrelations do not mirror the situation in Europe in regard to European states and the Church. Moreover, this leaves aside the fact that the division between religious and political domains even in Western societies has always been far more porous than was previously assumed, as much recent work has made clear.

As Mahmood Mamdani argues, we must make a clear distinction between religious and political identifications and understand that the two can (and often) operate at different levels for different persons. When we are mindful of this distinction we can approach the discussion of Islam and politics with the appropriate mindset, namely one that recognizes the importance of various interpretations of Islam about a particular issue. Furthermore, including a range of other individual, social, economic, and political factors, we can realize the complexity in what makes a person hold (or not hold) a particular position. Therefore, in the discussion of Islam and politics, the role of religion and religious interpretation may be minimal or highly relevant, depending on the circumstance. We need to be aware of how religious

interpretations are also used politically. Within that space, it is important to examine the different religious interpretations that do exist, as well as interpretations that can exist, and from that, attempt to analyze the political, economic, and societal effects of this on politics, and vice versa. It is important to illustrate to students and social scientists that different interpretations of *Shari'a* (and thus Islam) can, and do, exist.[363]

Future research and closing remarks

Categorisations and generalisations are natural to humans; they stemm from basic cognitive skills which help us give some order to the world. Although categories created by scientists are means to better understand what surrounds us, there is a problem when they become generalisations and when these begin to be considered as *reality*. When this is the case, instead of helping us, categories become a hindrance, a dangerous one since the subject being dealt with are humans, and their concrete lives.[364]

More than ten years have passed since the events of 11th September 2001, and "Islam" and "Muslims" are again under the spotlight, this time due to a series of events which have shown that political reality is changing. As the 21st century dawned on the Arab World, the region grappled with a profound clash between inherited deep rooted traditional ideologies and the distinct calls globalization was putting forward both economically and culturally. Recent uprisings were a clear evidence of this collision as well as a reflection of the latent inconsistencies of the international system. Starting in Tunisia in December 2010 and waving out to Egypt, Syria, Algeria, Lybia, and other places, the revolutions, known as the "Arab Spring", have

[363] MAMDANI, Mahmood. 2004. ***Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror***. New York: Pantheon.

[364] For further details on how the term "Middle East" has become an expression to designate everything related with "Islam" and/or "Muslims", and how it continues to designate, including in the academic world, an object of study which only exists in abstract terms, ignoring the diversity of that "region" and the way its inhabitants view themselves, their identities, their histories and how the knowledge that is still produced in some scholarly environments continues to misinform the way they are seen, see MOHOMED, Carimo. 2012b. "Reconsidering 'Middle East and Islamic studies' for a changing world" in ***International Critical Thought***, V. 2, n. 1 (March). Oxfordshire: Routledge, pp. 121-132.

ushered in profound changes in political processes in the Arab world and in our understanding of them. Not only did they give the lie to a widespread assumption amongst policy analysts and, to a lesser extent, amongst academic commentators, that these processes differed fundamentally from what has occurred elsewhere, they also demonstrated that popular ambitions in the Arab world differed little from those elsewhere as well.

Taking into account the various transformations occurred in the past decades in economic conditions, social imbalances, cultural and mental outlook, political change was something predictable, but to see it coming would have been to see something at odds with the way in which the "Middle East" and "Islam" were thought of. It would also have meant acknowledging that methods and theories seeking grand universal explanations ("the Muslim character does not permit change"; "in Islam, tyranny is preferred to no power"; "the Middle Easterners are incapable of managing their own affairs without Western assistance"; "Muslim women are silenced and oppressed") were in danger of failing to match real situations ("change is happening"; "people do not want tyrants"; "they are organising change themselves"; "women are actively participating in what is happening").

In view of the endless analysis of politics in the Middle East and North Africa in recent years, commentators turned out to be generally ill-prepared to respond to these momentous events. It became evident that the demonstrations themselves were merely the prologues to complex and lengthy processes of transition that may take years to be completed, and assumptions about the role of political Islam - a phenomenon not explicitly prominent in the actual challenges to regimes but certain to play a major role in the political transformations that have followed them, as good electoral results by different parties embracing various shades of Islamist ideology show - have had to be revised. Another widely held myth that was debunked was that the denial of legitimate resistance and revolt by normative Islam left people without any but sectarian means to justify revolt. Comparison with pre-modern Europe would be useful. Did main-line European Christianity provide any more justification for revolt than did Islam? Although leading Muslim thinkers spoke and wrote against revolt, considering it worse than an evil ruler, there were ways around this in the

Islamic tradition. It was almost unknown to speak of one's own movement as a revolt, and the words we translate as "revolt" were pejorative, as in Europe.

Over the past thirty years, the field of research usually called "Middle East and Islamic Studies" has been transformed in a profound way and the existing body of knowledge has been questioned, revised and enlarged dramatically, but, of course, there continues to be a Middle East studies establishment, a pool of interests, "old boy" or "expert" networks linking corporate business, the foundations, the oil companies, the missions, the military, the foreign service, the intelligence community, together with the academic world. There are grants and other rewards, organizations, hierarchies, institutes, centres, faculties, departments, all devoted to legitimizing and maintaining the authority of a handful of basic, basically unchanging ideas about Islam, the Orient, and the Arabs.[365]

However, it is fair to say that these fields of "Middle East" and/or "Islamic" studies have gone through remarkable changes in the past thirty years. An explosion in scholarly work and journals has occurred, and there has been an impressive body of work disputing and challenging these dogmas in two ways: firstly, by rigorous research done in the various specific fields, showing that reality is much more complex than what the essentialist theories about "Islam", the "Middle East" and the "Islamic" world can account for; and, secondly, by rigorous research which looked into and questioned the ontological validity of those concepts.

Gradually, Arabists and Islamologists are revising their views, body of work, and stereotypes. As examples, we have Assef Bayat[366], or Sami Zubaida, who, in his recent work,[367] tries to understand the "Middle East" while addressing the fundamental question in Middle East studies on the definition of the Middle East itself. To see it through the prism of Islam, he argues, in its religious aspects, as it is conventionally viewed, is completely to misunderstand it. Many characteristics that we think of as "Islamic" are products of culture and society, not religion. To think of

[365] SAID, 1979: pp. 301-302.

[366] BAYAT, Assef. 2007. ***Making Islam Democratic: Social Movements and the Post-Islamist turn***. Palo Alto: Stanford University Press.

[367] ZUBAIDA, Sami. 2010. ***Beyond Islam: A New Understanding of the Middle East***. London: I.B. Tauris.

Islam itself as an essentially anti-modern force in the region rather than something shaped by specific historical-economic processes is, Zubaida argues, a mistake. Instead, he offers an alternative view of the region, its historic cosmopolitanism, its religious and cultural diversity, and its rapid adoption of new media cultures, revealing a rich, multi-faceted region with a complex identity.

Using Jillian Schwedler's reflections regarding the study of "Political Islam" - another questionable concept which in recent years has been extensively used as synonym of "Islam" - and applying them now on the fields of "Middle East" and "Islamic" studies[368], much of the work done by researchers in specific fields, which enter under this broad categorization, has drawn little attention outside of academia despite the anxieties over Islam shared by policymakers and the general public. The many rigorous studies judiciously carried out by both academics and journalists, and grounded on extensive field research and use of primary sources in Arabic, Turkish, and Persian, are bundled together with bestselling books more consistent with the existing obsessions and stereotypes over the "irrational, West-hating Muslim fanatic", and the "oppressed" (veiled) woman. Serious scholarship on Islam cannot ignore the stereotypes and fear-mongering which dominate mainstream debate about Islam and the Middle East, but in responding to these discourses it often allows this mainstream to dictate the analytic starting point.

We could do what Martin Kramer defends, which is going back to the roots in Oriental studies to "restore some continuity with the great tradition" in order to explain and predict change in the Middle East[369] or, instead, we can choose to approach reality's complexities, its ontological and epistemological challenges, without trying to mould it according to a predefined model (what Kramer's "explain and predict" euphemism stands for).

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[368] For further detail on this subject see MOHOMED, Carimo. 2009. "Islam and Islamisms: Religion, Politics and Identity", in LONG, Ahmad Sunawari et al. (eds.), ***Issues and challenges of contemporary Islam and Muslims***. Bangi: Department of Theology and Philosophy, Faculty of Islamic Studies, Universiti Kebangsaan Malaysia, pp. 107-110; and SCHWEDLER, Jillian. 2011. "Studying Political Islam" in ***International Journal of Middle Eastern Studies***, V. 43, n. 1. Cambridge: Cambridge University Press, pp.135-137.

[369] KRAMER, Martin. 2001. ***Ivory Towers on Sand: The Failure of Middle Eastern Studies in America.*** Washington, DC: Washington Institute for Near East Policy, p. 123 cited in BILGIN, Pinar. 2004. "Is the 'Orientalist' past the future of Middle East studies?" in ***Third World Quarterly***, V. 25, n. 2. Oxfordshire: Taylor and Francis, pp. 423- 433.

As Charles Hirschkind argued, terms such as "political Islam" frame the inquiries around a posited distortion or corruption of properly religious practice. In this way, the disruptive intrusions or outright destruction enacted upon society by the modernizing state never even figure in the analysis. In contrast, the various attempts of religious people to respond to that disruption are rendered suspect, with almost no attempt to distinguish those instances where such a critical stance is warranted from those where it is not. It is not surprising, in this light, that militant violence and public intolerance have become the central issues of so many studies of *al-sahwa al-islamiyya* (Islamic awakening), while the extensive coercion and torture practiced by governments get relegated to a footnote.[370]

Edward Said complained of the fact that, lamentably, there had been no demonstrable effect – if there had been a challenging gesture at all – made by Islamic or Arab scholars' work disputing the dogmas of Orientalism; an isolated article here or there, while important for its time and place, could not possibly affect the course of an imposing research consensus maintained by all sorts of agencies, institutions, and traditions. The point was that Islamic Orientalism had led a contemporary life quite different from that of the other Orientalist sub disciplines, and only the Arabists and Islamologists still functioned unrevised.[371] Ira Lapidus, in the above cited article,[372] questioned if the Islamic cases were really different from the Christian ones, or the Middle Eastern cases from the European, or if it was time to abandon the *clichés* concerning the unity of Islam in favour of a more complex and realistic appreciation of the issues.

The main objective of this research has been to rethink critically the received wisdom on the dynamics of the state and Islam, using the thought of three Indian Muslim intellectuals, who lived between the middle of the 19th century and the middle of the 20th. Methodologically, the strategy employed was a combination of the ones advanced by Mohammed Arkoun and Quentin Skinner. Combining a critical review

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[370] HIRSCHKIND, Charles. 1997. "What is Political Islam?" in ***Middle East Report*** 205 (October-December). Washington, D. C.: Middle East research and Information Project.
Available at http://www.merip.org/mer/mer205/what-political-islam, last accessed 21/02/2012.

[371] SAID, 1979: pp. 301-302.

[372] LAPIDUS, 1996: pp. 26-27.

of modern studies devoted to early and contemporary periods of what is generally called "Islam" with the systematic deconstruction of the original texts used in these studies as sources of genuine information, primary and secondary texts were read, not in order to discuss the facts themselves, but to *problematize* the epistemis and epistemological framework underlying the articulation of each discourse.

The focus of this research has been on ideas put forward by Muslim thinkers and not with ideas which were "Islamic" or considered as such, since this would have detracted us from a study of the debates amongst various Muslim thinkers and the attempts by them to reinterpret and, in the process, shape Islam. While the study of theology and religious texts would have been important, far more significant are the political dynamics and historical context in which a given discourse ascended, gained acceptance, or lost salience. As Quentin Skinner points out, concepts not only alter over time, but are incapable of providing us with anything more than a series of changing perspectives on the world in which we live and have our being. Our concepts form part of what we bring to the world in our efforts to make sense of it. The shifting conceptualizations to which this process gives rise constitute the very stuff of ideological debate, so that it makes no more sense to regret than to deny that such conceptual changes continually take place. Concepts, or what we express through them, have a history. They rise and fall, and in some cases they finally disappear from sight, reflecting deeper transformations in social life.[373]

Philological approaches to religious texts - the ***Qur'an*** and the Prophet's sayings - have many limitations if we do not use them as an ancillary to a more historically grounded approach. There is therefore a need to go beyond merely structural explanations of social and cultural analysis and to take ideas, cultural imaginations and discourse in a serious manner. I also hope to have contributed to dispute the dogmas of Orientalism, which continue to have some influence, and thus go beyond the *clichés* concerning the unity of Islam, in favour of a more complex and realistic appreciation of the interaction of politics and religion in Islam. More is to be done, and I hope to further my investigation in the future, focusing on other Muslim intellectuals, not only in India but also in other parts of the Islamic world, and try to

[373] SKINNER, Quentin. 2002. "Retrospect: Studying rhetoric and conceptual change" in ***Visions of Politics. Volume 1: Regarding Method***. Cambridge: Cambridge University Press, pp. 368-413.

assess how, in the face of the challenges posed by Europe in the 19th and 20th centuries, they tried to respond to them. At the same time, particular attention needs to be given to the role of Religion - defined in a more complex way - in the political process, not only in the world of Islam, but also in other cultural environments, including the West. The very important debate over modernity and modernization has been, and still is, shared throughout different political and religious realities of this World.

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