

CONTENTS

Acknowledgements	
Acronyms	
Introduction	i
Welcome Address	
Dr Maqsudul Hasan Nuri	1
Opening Remarks	
Dr Martin Axmann	3
Opening Remarks	
Dr Fateh Muhammad Malik	4
Inaugural Address	
Sardar Aseff Ahmad Ali	5
Concluding Speech	
Justice Sheikh Riaz Ahmad (ret'd)	6
 CHAPTER I	
Islam, Politics and the State: The Case of Pakistan	
Dr Mumtaz Ahmad	7
 Islam and Democracy in Pakistan	
Dr Muhammad Khalid Masud	19
 Islam and State: Good Governance during Early Islam in Relevance to Pakistan	
Dr Imtiaz H. Bokhari	42
 CHAPTER II	
Perceptions of Islamic Laws and Shari'a in Pakistan	
Professor Dr Anis Ahmad	56
 Islam and Economy in Pakistan – Practice and Perceptions	
Dr Pervez Tahir	64
 Islam and Education in Pakistan	
Professor Dr Dost Muhammad Khan	79
 CHAPTER III	
Islam and Rights of Minorities in Pakistan	
Dr Syed Noor-ul-Haq	88

CHAPTER IV

Denationalisation as a Key Concept in Understanding the Success of Islam in Turkish Politics	
Dr Gokhan Bacik	106

Women's Rights in the Accommodation of Shari'a-based Law in Indonesia	
Mustaghfiroh Rahayu	123

Role of State in Overall Development from Socio-Economic, Political, Moral and Cultural Perspectives in the Muslim World <i>vis-à-vis</i> Malaysia	
Professor Dr Khaliq Ahmad	129

CHAPTER V

Islam and Education in Bangladesh	
N.M. Sajjadul Hoque	142

The Jasmine Revolution: Islam and the State in Tunisia	
Dr Rukhsana Qamber	156

CHAPTER VI

Remembering a Dying Community in Egypt	
Ashraf M. Sadek	169

Contributors	178
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Index	182
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<i>IPRI</i> Publications	191
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ACKNOWLEDGEMENTS

This volume is based on papers presented at the two-day International Conference on the topical and vital theme of *Islam and State: Practice and Perceptions in Pakistan and the Contemporary Muslim World* held on January 25-26, 2011, at the International Islamic University Faisal Mosque Campus, Islamabad. The Conference was jointly organised by Islamabad Policy Research Institute (IPRI), Hanns Seidel Foundation (HSF), Germany and Iqbal International Institute for Research and Dialogue, (IRD), International Islamic University, Islamabad (IIUI).

The organisers are especially thankful to Dr Martin Axmann, Resident Representative, HSF, Islamabad, for joint planning of the conference and sharing the financial expense of the event, Prof. Dr Fateh Muhammad Malik, Rector, IIUI and Dr Mumtaz Ahmad, Director, IRD for providing administrative facilities.

For the papers presented in this volume, we are grateful to all participants from Pakistan and abroad, as well as the chairpersons of the different sessions, who spared their valuable time to preside over the proceedings. We are also thankful to the scholars, students and professionals, who accepted our invitation and participated in the conference.

The successful completion of the conference owes much to the untiring efforts and logistical support provided by the staff of the IPRI, HSF and the IIUI.

We deeply regret that this volume could not be produced within the stipulated time due to some unavoidable circumstances. Finally, our thanks are due to all those whom it would not be possible to thank individually for their help in making the conference a success.■

ACRONYMS

ALBA	Alternative for Latin America
BAL	Bangladesh Awami League
BNP	Bangladesh Nationalist Party
CL	Civil Liberties
CLD	Counter Legal Draft
DFID	Department for International Development
ECHR	European Court of Human Rights
EOBI	Employees' Old-age Benefit Institution
ETP	Economic Transformation Program
EU	European Union
FS	Freedom Status
GII	Gender Inequality Index
HDR	Human Development Report
IBIs	Islamic Banking Institutions
ICRG	International Country Risk Guide
IFSI	Islamic Financial Services Industry
INTERPOL	International Criminal Police Organization
JDP	Justice and Development Party
JMB	Jamaat-ul-Mujahideen Bangladesh
MMA	Muttahida Majlis-e-Amal
NAP	Nationalist Action Party
NEP	New Economic Policy
NKEA	National Key Economic Areas
NRI	Networked Readiness Index
NU	Nahdlatul Ulama
OIC	Organisation of Islamic Cooperation
PCAAGR	Per Capita Annual Average Growth Rate
PKK	Kurdistan Workers' Party
PR	Political Rights
PSLM	Pakistan Social and Living Standard Measurement Survey
RPP	Republican People's Party
RSS	Rashtriya Swayamsevak Sangh
SCA	Supreme Council of Antiquities

UNDP	United Nations Development Programme
US	United States
USSR	Union of Soviet Socialist Republics
WP	Welfare Party
WTO	World Trade Organisation

INTRODUCTION

**Dr Maqsudul Hasan Nuri, Col. Muhammad Hanif (retd) and
Muhammad Nawaz Khan**

*This volume comprises papers read and presentations made at the two-day International Conference on *Islam and State: Practice and Perceptions in Pakistan and the Contemporary Muslim World* jointly organised by Islamabad Policy Research Institute (IPRI), Hanns Seidel Foundation (HSF), Germany and Iqbal International Institute for Research and Dialogue, International Islamic University, Islamabad (IIUI) on 25-26 January 2011. Prominent scholars, academicians and policy-advisors from Pakistan, Turkey, Indonesia, Malaysia, Bangladesh, Egypt and Saudi Arabia participated in the conference which was held in the auditorium of the University.*

The conference took place in the post 9/11 milieu of a widespread campaign in the West to paint Islam as an extremist and militant religion. This vilification of more than a billion followers of Islam totally ignores its message of universal peace and brotherhood of mankind. Moreover, it singles out Muslims to brand them as extremists on account of the violent activities and obscurantist agendas of small, isolated and politically-motivated groups that, in fact, can be found among followers of any world religion. The world of Islam needs to dispel this impression. This, however, was just one aspect of the backdrop of the conference.

In the modern Muslim world, spread over some 57 states, there are no differences on the fundamentals of the faith among the people or the rulers but, where Islam is professed as the state religion, its implementation is taking place differently under different systems of government. Where some Muslim states have oriented their official practices to the laws of the Shari'a in respect of politics, economy, democracy, rights of women and minorities and the system of education etc and in this respect achieved closeness to the aspirations of their populace, others have not been able to properly blend religious values with the system of governance that affects peoples' lives. This has distanced people from their governments who feel frustrated and inclines few among them to adopt extremist ways for the implementation of their narrow ideologies.

In Pakistan, despite the country's Islamic constitution which insists on abrogating any law repugnant to the teachings of Islam, there has grown a strong sentiment among a group of conservative opinion that governments have not been sincere in implementing the laws of the Shari'a. Certain clauses introduced during General Zia's military rule like the Hudood laws, which the liberal sections of civil society strongly oppose, still remain in place due to

pressure of the religious lobby. In the wake of 9/11, there has been an upsurge in the violent activities of the extremist groups which has disrupted social life and greatly harmed the economy. Pakistan's role as a partner in the 'war on terror' has sucked in a great many youth from amongst the poorer sections into militant organisations that pursue a political agenda. The extremists also exploit ethnic and sectarian differences to weaken the social fabric. But fortunately, the extremists face strong opposition from the mainstream opinion which opposes their stance and upholds moderation, tolerance and peace for the progress of the country. This situation imparts the conference an urgent relevance as Pakistan is keen to share its experience with other Muslim countries and learn from those nations which have achieved notable success in dealing with the forces of extremism.

The volume contains thirteen papers/presentations, with scholars from Pakistan, Turkey, Indonesia, Malaysia, Bangladesh, Egypt and Saudi Arabia contributing to the conference. They describe the experiences of these countries in coping with the menace of extremism and also touch upon policies of Islamisation in different segments of national life. The papers/presentations on Pakistan discuss the role of Islam as a "*Deen*" in the country.

The book is organised into two parts. The first part includes the Inaugural Address by the Chief Guest, Sardar Asif Ahmad Ali, Federal Minister of Information, Technology and Education, and the concluding speech in the final session by Chief Justice Sheikh Riaz Ahmed (retd), Chairman Board of Governors (BOG), IPRI. The second part comprises conference papers presented by the speakers.

In his paper on "Islam and Politics in Pakistan" Dr Mumtaz Ahmad discusses the interaction of religion, politics and state in Pakistan. He mentions four major determinants for Islamic revival in the country: 1) being the very *raison d'être* of the new state 2) as the main instrument used by rulers for seeking legitimacy as in case of General Zia who framed the triangle of Islam, Military and Pakistan 3) as a card used by leftist factions to oppose governments and 4) as a factor of political de-legitimisation.

Dr Mumtaz Ahmad analyses how religion has been exploited by different sets of rulers to their advantage and despite its failure to keep the country united Islam is still a handy tool of rulers whether civil or military. He discusses how organised religious groups have entrenched themselves in politics, particularly since the formation of Muttahida Majlis-e-Amal (MMA) government in Khyber Pakhtunkhwa during General Musharraf's military government.

In his paper on "Islam and Democracy in Pakistan," Dr Muhammad Khalid Masud analyses the history of Islam and the concepts of caliphate and Allah's sovereignty and how these fit into a democratic system that is based on

the sovereignty of an elected parliament. He highlights that scholarly opinion has become extremely polarized about democracy and its relevance to Islam. Religious political opinion has come to regard democracy as an antithesis of an Islamic state which is based on divine authority and the supremacy of Shari'a.

Dr Muhammad Khalid Masud also reviews the debates and political theories offered by some prominent Muslim thinkers of the modern period, including the opinion of Muhammad Iqbal (d. 1938), Khalifa Abd al-Hakim (d. 1959), Amin Ahsan Islahi (d. 1977), Abu'l A'la Maududi (d. 1979) and Israr Ahmad, (d. 2010) on Islam and democracy. He concludes that the Islamists and Islamic modernists both agree that sovereignty belongs to Allah alone. The crucial question is who represents God? How is this sovereignty exercised? The Islamists as well as most religious political thinkers believe that sovereignty of Allah is expressed through Shari'a and therefore it is reposed in the Ulema who alone can interpret it. Islamic modernists argue that sovereignty of God Almighty is exercised by the parliament consisting of the elected representatives of the people. He explains that the Objectives Resolution (1949) is a political compromise between the polarised views on Islam and democracy. He thinks that a critical analysis of this document and a serious effort to develop a consensus on the issues raised in the document is imperative.

In his paper on "Islam and Good Governance," Dr Imtiaz H. Bukhari, after defining the parameters of the concept of good governance elaborates on the Islamic model of governance in the city state of Madinah which, at its advent, resembled Pakistan when the country came into being. In Madinah, good governance was established by the Holy Prophet (pbuh) himself that soon took roots to become a model for the expanding Muslim empire. Dr Bukhari quotes Hazrat Umar, who had described people's consultation and the rule of law as the true essence of good governance. The righteous caliphs were governed by the same law as the common people; they had no body guards despite the fact that three *Khalifas* were assassinated.

Professor Dr Anis Ahmad's presentation on "Perceptions and Practice of Islam and Law/Shari'a in Pakistan" said that Muslims demanded a homeland for themselves to fashion their lives according to their own cultural and religious values. They demanded a separate homeland. He asserted that none of the eminent founding leaders such as Mr. Muhammad Ali Jinnah and Allama Muhammad Iqbal, nor even scholars like Maulana Maududi, favoured the establishment of a theocracy in Pakistan. He said that the bulk of *Fiqh* literature of the five major schools of law was subject to review and re-codification. The Qur'an and the Sunnah insisted on the use of *Ijtihad* in order to respond to modern issues, the fear therefore of Shari'a law being centuries old was unfounded. He said that *Qanun* and *Fiqh* were subject to change but Shari'a was absolute (*Qat'i*) as it provided the universal principles (*Usul*) for the ongoing process of legislation.

Dr Pervez Tahir's paper on "Islam and Economy in Pakistan" explores three areas – the Constitution, the financial sector and the Islamic provisions adopted by the Government of Pakistan to promote social welfare. He judges the gap between perceptions and practice by the progress made towards the elimination of *Riba* and the policies of the State Bank of Pakistan. He also discusses the quantum of welfare delivered by successive governments through the instruments of *Zakat* and *Ushr*. He says that Pakistan has largely become a national security state ignoring social economic welfare while Islamic ideology of economics is about providing welfare. Initially, it was considered that only *Zakat* could be sufficient for sustaining the country's economy but ultimately the interest-based modern banking system had to be relied upon.

Professor Dr Dost Muhammad's paper on "Islam and Education in Pakistan" elaborates two theories of human creation i.e., secular and religious; he then relates these theories to the rationale of the educational system in Pakistan. Muslims in practice have bi-furcated worldly and religious knowledge while in Qur'an and Sunnah knowledge is unified. He criticises mushroom growth of Madrassas. He recommends that Arabic be made the official language for achieving unity with the Arab world and acquiring deeper understanding of Islam. He denounces class-based education in Pakistan.

Dr Samar Fatima's paper on "Islam and Rights of Women in Pakistan" asserts the fact that Islam has no bias against women as they are required to perform the same religious obligations as men like five-time prayers, fasting and Hajj. She says that culture could not be Islamised in Pakistan as it retained Hindu customs. But as far as women's rights were concerned it could be judged from the fact that a Muslim woman does not lose her identity after marriage; she can retain her independence in financial and social life. Though an excellent presentation, Dr Samar Fatima's commentary on Islam and Rights of Women in Pakistan could not be included in this volume due to non-availability of the final text in time.

Dr Noor-ul-Haq's paper on "Islam and Rights of Minorities in Pakistan" draws on history to prove how the Islamic state safeguarded the rights of minorities. When the Jews were being persecuted in Spain they were given asylum by the Ottoman Empire. He also mentions Quaid's Inaugural address to the first constituent assembly containing his firm stand on equal citizenship of all communities and their freedom to practice their religion in Pakistan. The minorities in an Islamic state and in Pakistan are provided protection in the same way as the majority. Part II of the Constitution of Pakistan lays down "fundamental rights and principles of policy". There are clauses to permit freedom of movement, assembly, association, trade, business or profession, and speech. Articles 20-27 provide "freedom to profess religion and to manage religious institutions". In the preamble of the constitution, minorities are given all rights.

Dr Gokhan Bacik's paper on "Islam and Politics/Good Governance in Turkey" discusses that Turkish Islam is tied up with Turkish nationalism in a unique fashion, being the product of Turkish history and identity. Although nationalists and Islamists are different groups and have different organisational structures, a harmonious stance is maintained over the major issues of politics such as the European Union (EU), the Cyprus issue, relations with Armenia as well as other domestic issues such as democratisation and the Kurdish problem. Dr Bacik discusses the transformation of Turkish politics towards denationalisation of Islam to a large extent as the path-dependent product of a survival strategy of Islamic groups in reaction to the attacks of the secular establishment in the 1990s. However, the separation of Islam and nationalism in Turkish politics has altered major configurations as the traditional binary model of Secularists versus Nationalists-Conservatives is no longer a meaningful level of analysis in studying Turkish politics. The Islamic groups have gradually separated themselves from the nationalist groups. A new boundary has separated secular Kemalists, nationalists and Islamists. By increasing the distance with the traditional Islamic structures, Turkish politics may paradoxically contribute to the weakening of the strong link between Islamism and its followers.

Ms Mustaghfiroh Rahayu's presentation on "Islam and Women Rights in Indonesia" shows that the 1998 Reformation marks a significant change in the relationship between Islam and the State in Indonesia. Coupled with regional autonomy policy, the Reformation which allowed greater freedoms resulted in the emergence of some of Shari'a based regulations in many regions in Indonesia. However, some of these laws were indicative of discrimination against women. She quotes a research study by the National Commission on Violence Against Women which reported that between 1999 and 2009, 154 regional policies were rolled out in the country that were discriminative against women. This report illustrated the gravity of the problems related to women and religion in the country with the largest Muslim population in the world.

Profssor Dr Khaliq Ahmad Bin Mohammad's paper on "Islam and Economy in Malaysia" analyses the economic success of Malaysia through innovations that catalysed the process of change in a country where Islam is the state religion. It is believed in Malaysian polity that Islam encourages positive change and innovation (*Ijtihad*) as it is a necessary element in Islamic code of conduct. The majority of Islamic states governments appear to be highly authoritarian in nature which is against Islam that encourages power-sharing (i.e., political democracy) through Shura and mutual consultation, tolerance, peaceful coexistence and accommodation. Unlike other Muslim states, Malaysia looks eastwards towards China, South Korea and Japan rather than the West as the latter has been gradually deteriorating in socio-economic growth and overall development. Malaysia has taken a bold and giant step

towards an Economic Transformation Program (ETP) by adopting the new Malaysian agenda-13 National Key Economic Areas (NKEA).

Mr N.M. Sajjad-ul-Hoque's paper on "Islam and Education in Bangladesh" highlights that Islam in Bangladesh has a syncretistic nature' — meaning it is a fusion or reconciliation of different systems of belief by drawing heavily on the Sufi tradition due to which the religious ethos in Bengal is imbued with tolerance. The military regimes that took over after secession from West Pakistan, in their effort to seek legitimacy, introduced religious references in the constitution of Bangladesh. It was during their time that religious parties started growing and their influence increased. However, religious education through Madrassas still occupied a back seat compared to secular institutions due to lack of political support. The two major political parties, the Bangladesh Nationalist Party (BNP) and the Bangladesh Awami League (BAL), have found it politically expedient to create space for political Islam in their own campaign rhetoric but as far as education is concerned it continues to lay stress on Western secular disciplines. As a result, today Bangladesh can neither discard modernism nor can it ignore religion. A syncretic goal in the sphere of education looks distant.

Dr Rukhsana Qamber's paper on "The Jasmine Revolution in Tunisia" provides a brief history of Tunisia and describes the event that led to the revolution. A theoretical explanation is sought from existing literature and key political terms are re-examined to view their applicability on this development. The basic reason for the Jasmine Revolution was unemployment among the youth. The questions that Dr Qamber probes in her essay are: what is the nature of the present uprising? Was it a street revolt against Ben Ali's rule and its alleged kleptocracy? Was popular dissatisfaction related to democratic representation? Why do governments in many Arab countries feel threatened, especially from a broader range of aggrieved persons than Islamist movements?

Mr Ashraf M. Sadek's paper on "Islam and Rights of Minorities in Egypt" states that Egyptians have always treated minorities in a humanistic way. Although the Jewish community in Egypt is dwindling nowadays, it was once one of the Arab world's most flourishing community. He regrets that in today's Egypt, the strength of Jews has fallen to no more than 80 persons scattered between Alexandria and Cairo from about 70,000 at its peak in 1947. He clarifies that the exodus of Jews from Egypt was prompted by the Arab-Israeli conflict, especially in the 1950s and 1960s, and not by religious differences.

Dr Mazin S. Motabagani, a Saudi scholar, spoke on "Orientalism and Islamic Political Thought." Though an excellent presentation, Dr Mazin's commentary on the process of Islamic political thought could not be included in this volume due to non-availability of the final text in time.

Recommendations

In light of the views expressed by the eminent participants, Ms Nargis Zahra, Visiting Fellow IPRI, presented the following key recommendations.

- For compatibility of democracy and Islam in Pakistan, the Objectives Resolution should be the basis for building further consensus. Ideas of Muhammad Ali Jinnah, Dr Allama Muhammad Iqbal and Maulana Maudoodi should be understood in the historical context in order to avoid extremist tendencies.
- Religious groups should be given better negotiable positions in the political system. Pakistan should benefit from the good governance model of the city of Madinah. If promotion of democracy is desired there is a need to guarantee respect for certain principles which are non-negotiable such as justice, accountability, equality before law and social welfare.
- Pakistan should learn lessons from Malaysia to achieve national unity out of diversity and ensure long-term economic development.
- Islamic vision of enlightened moderation and tolerance towards religious minorities should be promoted. The Islamic world should lay more stress on compassion than on rituals and religious practices alone.
- The Muslim leadership and governance should curb political corruption and work for welfare and progress of the community through distributive justice.
- It is essential to counter the misconceptions about political system of Islam and its compatibility with the Western political system. The issue of governance should be dealt with by harmonising religion and politics in a pluralist way.
- Madrassa education system should be reformed and aligned with changing trends of global education. A common Islamic education policy should be formulated for the Organisation of Islamic Cooperation (OIC) members.
- Keeping Malaysian example in view, divisive policies and expression of biased opinions should be discouraged.
- Justice should be ensured in all fields i.e., socio-economic, political and religious fields of life to give equal opportunities to the people.
- To improve efficiency of governments, key performance test should be introduced at all levels in state institutions.
- *Fiqh* and Shari'a should be differentiated and *Fiqh's* grey areas created due to modernisation should be filled with *Ijma'a* and *Ijtihad*.

-
- Class-based education should be discouraged in the Muslim world. Syllabi and the standard of education in the Muslim states should be uniform and at par with international standards.
 - Women empowerment should be part of government policies at all levels of society.
 - This conference was a useful opportunity to exchange views among contemporary Muslim states of the world. Such dialogues should be encouraged.■

WELCOME ADDRESS

Dr Maqsudul Hasan Nuri

Honourable Chief Guest, Sardar Asseff Ahmed Ali, Federal Minister for Information, Technology and Education, Prof. Dr Fateh Muhammad Malik, Rector, International Islamic University, Islamabad, Dr Martin Axmann, Resident Representative, Hanns Seidel Foundation, Islamabad, distinguished foreign and Pakistani scholars, Faculty members of IIUI, ladies, gentlemen and students.

Let me welcome you all to the two day international conference on: *Islam and State: Practice and Perceptions in Pakistan and the Contemporary Muslim World* that we at the Islamabad Policy Research Institute are organising jointly with International Islamic University, Islamabad and Hanns Seidel Foundation, Islamabad office.

This conference is one of the series of conferences that IPRI and HSF have been holding together now for nearly a decade on issues of international, regional and national significance. The conference sub-themes were decided by IPRI and HSF in consultation with Dr Mumtaz Ahmad, Director Iqbal International Institute for Research and Dialogue, IIUI. We are also grateful to the IIUI for providing excellent logistical support and other facilities (including this auditorium) at this scenic and serene campus in the foothills of the Margalla Range.

Ladies and Gentlemen, we all know that today the Islamic world is passing through a period of severe crisis that has been accentuated by the events of 9/11. There is a crying need to frame and shape our responses in the international milieu without compromising our indigenous values and traditions. The responsibility therefore lies on our religious scholars, intellectuals, organs of the media and the politicians to help shape policies that convey a healthy image of Islam as a dynamic, progressive and welfare-oriented religion.

It is often said that in order to find the right answers one has to ask the right questions. We hope that our scholars together with their eminent colleagues from other Muslim countries, who we have the honour of having with us today, will enrich the conference proceedings with their views on the important subjects that today agitate our minds. The Muslims across the world need your enlightened opinion on the issues that we shall be discussing today and tomorrow in this hall. It would be fruitful if it is able to formulate practicable suggestions to guide the *Ummah*. However, we remain modest in our expectations as the task is indeed challenging.

Again, I would like to thank the participating scholars both from here and abroad who have traveled all the way and taken time off from their busy schedules to be present at this conference. I am also thankful to the IIUI and HSF for making this event happen.

I am sure this eminent audience of highly informed people is looking forward to an intellectually stimulating, enriching and invigorating discourse from this august assembly of scholars.

I hope our guests from abroad and those who have come from other parts of the country will enjoy their stay in the beautiful city of Islamabad.

Thank you very much.■

OPENING REMARKS

Dr Martin Axmann

*I*n his opening remarks, Dr Martin Axmann, Resident Representative, Hanns Seidel Foundation, Islamabad thanked the IPRI staff and Dr Mumtaz Ahmad, President IIUI for their collaborative efforts in Organising the conference. He expressed his hope that this conference will encourage dialogue between Islamic countries and facilitate both academic and public debate on the issues being faced not only in Pakistan but the Muslim world and the world at large. He briefly related the planned course of presentations in the conference. Dr Martin said that though the concept of this conference was alien to the subjects of previous conferences held by IPRI and HSF, the subject of Islam and State is of strategic concern for 180 million people of Pakistan. He said that perhaps the dialogue being started in this conference might be only the beginning for more rounds of discussions in the future. He briefly introduced Hanns Seidel Foundation and said that HSF was engaged in the service of ‘democracy, peace and development’ and tried to facilitate political dialogue, and education around the world in 60 countries. He said that HSF had been working in Pakistan since 1983. Towards the end of his address he invited the audience to share their views through questions and make the two days’ conference a success by exchange of views and perceptions. ■

OPENING REMARKS

Dr Fateh Muhammad Malik

Dr Fateh Muhammad Malik, Rector, IIUI in his opening remarks said that Dr Allama Muhammad Iqbal was the first spiritual father of the Muslims of the Subcontinent who expounded two important ideals of Islam, social ideal: equality; and political ideal: democracy. He said Pakistan came into being as a result of the political struggle of the Muslims and not through war or bloodshed. He said that the post Independence political elite had been humming the tune of their former foreign masters which did not allow us to interpret Islam as Pakistan's founding father had interpreted. He urged the conference to present an original interpretation of Pakistan in the light of Islam's dynamic philosophy. ■

INAUGURAL ADDRESS

Sardar Assef Ahmad Ali

Federal Minister of Information, Technology and Education,
Government of Pakistan

The Inaugural Address was delivered by the Chief Guest, Sardar Assef Ahmad Ali, Federal Minister of Information, Technology and Education. The Minister thanked, IPRI, HSF and IIUI for organising the conference and the foreign scholars for sparing time to visit Pakistan and participate in the conference. He said that the world had polarised in the wake of the 9/11 attacks in the United States (US). He said that the social scenario all over the world presented a tense picture that was under additional stress from the economic consequences of the ongoing world recession. He said that Pakistan was passing through very difficult times owing to its involvement in the so-called 'war on terror' as a front line state. This had not only worsened the security situation what with the activities of the extremist groups but had severely affected the economy. The Minister underlined that Pakistan was faced with multiple social and economic problems owing to its role in the Afghan war of 1980s against the Union of Soviet Socialist Republics (USSR). According to him a new Islam was being invented in Pakistan with suicide bombings and murderers of peaceful citizens being glorified as heroes. He added that in this perverse scenario it was important to understand Islam and the role of the state in their correct meaning and perspective.

The Minister concluded his address by emphasizing the need for Muslim societies to prepare themselves for contemporary challenges through contextual interpretation of the Holy Qur'an and Sunnah and by reviving and reverting to *Ijtihad* to find answers to questions that the changing world constantly poses and that perturb the mind of the faithful. He said governments in Muslim countries should facilitate such a process and empower their people with education and knowledge so that the youth is not easily misled by bigoted minds and narrow agendas of the extremist groups. ■

CONCLUDING ADDRESS

Justice Sheikh Riaz Ahmad (retd)

Assalam-o-Alaikum,

I congratulate the participants of the conference for holding this enlightened discourse on the important issues facing the Muslim world. The concept of the state is a central issue in this discourse as Muslim states in the modern world have different systems of governance.

Islam, which has ordained guiding principles for economic and social management of society through a basically democratic system which may have any form, can make positive contributions to existing thought and knowledge in this matter as the speeches and papers of the scholars in this conference have shown.

The papers on the rights of women and minorities would help dispel the biased views about Islam that are projected in the West.

Islam's central theme is the establishment of a just and egalitarian society where the rights and interests of the weaker sections of people are protected by the state.

Tolerance, forgiveness and companionship are features on which the Islamic system of justice is based. Muslims used to stress more on this aspect of their religion rather than the penal regime which they often seem to stress upon nowadays which has given a bad name to the religion.

Qur'an's repeated stress on acquisition of knowledge and command to observe and think should be made the essential feature of our educational system. The religious seminaries should give due place to modern sciences and social studies in their curriculum.

The conference papers on these important aspects will further open avenues for discussion and provide guidance to rulers to close the gap between people's Islamic aspirations and achievements of material progress in the modern world.

The process of self analyses and thought on problems facing the Muslim world should be promoted to achieve that cultural renaissance which was once the hallmark of the Muslim society and made it highly creative in all areas of knowledge.

Pakistan Paindabad.■

CHAPTER 1

ISLAM, POLITICS AND THE STATE: THE CASE OF PAKISTAN

Dr Mumtaz Ahmad

The Pakistani experience of the interaction between religion and politics is unique in that it is integrally related with the very idea of a separate homeland for Indian Muslims, an idea which took shape in the late 1930's. Since then, and particularly after the birth of Pakistan in 1947, dynamics of political development of this new nation have been, in one way or another, influenced by Islam. Islam has played a very important role in the country's constitutional debates, political discourse, socio-economic controversies, and ideological conflicts. Regardless of the nature of the regimes, both in rhetoric and policies, Islam has always been a focal point of state ideology, and in the future as well, it is likely to remain a dominant feature of Pakistan's political development in one form or another.

Contrary to what is generally believed, it was Zulfikar Ali Bhutto and not Zia-ul-Haq who was the real harbinger of Islamisation in Pakistan. By incorporating most fundamental and extensive Islamic provisions in the 1973 constitution and later by declaring the Ahmadis as non-Muslims, Bhutto helped raise the expectations of the religious parties and prepared the ground for a full-grown movement for Islamisation during Zia's regime. It will not be correct, however, to assume that the policies of the Bhutto era were the major determinants of Islamic revival in Pakistan. Islamic resurgence or more specifically, the increasing politicization of Islam since the middle 1970's in Pakistan is also intimately related to certain important historical and social-structural factors.

In the following sections some of the factors which, in the view of this writer, constitute the major determinants of the politics of Islamic revival in contemporary Pakistan, will be analysed.

Pakistan as an Islamic State

Seen from the perspective of the integral relations between Islam and the struggle of the Indian Muslim community to have a separate and independent homeland of their own, the establishment of Pakistan in 1947 by itself was a prime expression of political Islam, both in religious and political terms. The leaders of the Pakistan movement demanded a separate homeland for the Indian Muslims so that they could practice their religion both in their individual as well as their collective lives.

Although the demand for Pakistan was articulated essentially on the basis of the modern principles of national self-determination, the nationalist elements of this demand were, nevertheless, firmly anchored in the Islamic consciousness and sentiments of the Muslim masses. The Two Nation Theory of the Quaid-i-Azam Muhammad Ali Jinnah further reinforced the Islamic basis of this nationalist movement. Both the poet philosopher Muhammad Iqbal and Mr Jinnah perceived Islam at three interrelated levels: 1) Islam as a faith and as a religious system whose cardinal beliefs identify its adherents as Muslims; 2) Islam as a way of life which would integrate Muslims into a nation state; and 3) Islam as a political-ideological system whose set of values could socialize Muslims into a separate political community.

To many Pakistanis, Islam constitutes the very *raison d'être* of the Pakistani state and the only reason which justifies its separate existence from India. This understanding of the Islam–Pakistan relationship was first articulated in the Objectives Resolution in 1949 that later became an ideological preamble to all the subsequent constitutions of the country.

The existence of a broad consensus on the inseparability of Islam and Pakistan--popularly known as “Pakistan ideology”- has thus helped religio-political groups to press their demands and agitate for an increased role for Islam in public affairs.

Since the 1960's, and especially after the launching of Sheikh Mujibur Rahman's six point programme in 1968, which demanded greater autonomy for East Pakistan, the above formulation of Pakistan ideology has also been interpreted to mean that Islam is not only the ideological basis for the state of Pakistan but is also fundamental to the nation's very existence and territorial integrity. Therefore, if the state were to be organised on the basis of any other collective ideology or political system, it would not only lose its identity in cultural and ideological terms, but may disintegrate and perish as well. Furthermore, according to this formulation, propagation of any ideology other than Islam--be it secularism, socialism, communism, or even Western liberal democracy--would not only be considered by Islamic parties as religiously objectionable, but also as treason against the state.

Islam and the Legitimisation of Power

As is well known, Pakistan's rulers have, since the very inception of the new state, made extensive use of Islam as a major means of legitimising their authority which was, more often than not, derived from the coercive apparatus of the state rather than from popular support. The fact that the majority of these regimes came into power through extra-constitutional means made them more dependent on Islam as an easily manipulatable and handy source of legitimacy. Thus, throughout Pakistan's independent existence--from the chaotic parliamentary regime to Ayub Khan's development-oriented

authoritarianism and Yahya Khan's wayward dictatorship, from Zulfikar Ali Bhutto's populist corporatism to General Zia-ul-Haq's conservative authoritarianism -- Islamic ideology was invoked, albeit with varying emphases, to legitimise the authority of the incumbents, to sanctify the policy goals pursued by them, and to keep their opponents under control. While the early parliamentary regime used a "liberal-modernist Islam," Ayub Khan a "developmentalist Islam," Yahya Khan a "nationalist Islam," and Bhutto a "socialist-populist Islam," Zia-ul-Haq used a "revivalist-fundamentalist Islam" to legitimise his grip on the political system of Pakistan.

The Zia government sought to elicit the moral commitment of the people by propagating, as its central theme, an ideology which integrally linked the destiny of both Islam and Pakistan with the continuity of the military regime itself. The original formulation of Pakistan ideology, as articulated by the Jamaat-e-Islami, emphasized only the essential relationship between Islam and Pakistan, i.e., that "Pakistan came into being in the name of Islam and it could exist in the name of Islam alone." General Zia added another element to this formulation by maintaining that the then existing political establishment (the military rule) was equally vital for the preservation of Islam and Pakistan. Thus, according to this new formulation by Gen. Zia, the trinity of Islam, Pakistan, and the military became one and the same thing.

It is obvious that when a regime equates itself with both the state and religion, and then presents a particular version of religion as official dogma, any deviation from the official interpretation, even if it is within the framework of the same religious ideology, is likely to be treated both as religious heresy and treason against the state. When the state assumes a semi-theocratic character and the loyalty to the state becomes identical with loyalty to religion, political rebellion and religious dissent become indistinguishable.

Islam and Socio-Political Protest

The above observations should not be taken to mean that rulers have a monopoly over the instrumental use of Islam. Like any other ideological system, Islam too is a double-edged sword which can be used both from the top-down and from the bottom-up. The Iranian Revolution which toppled one of the most powerful and apparently stable monarchical regimes in recent history is a prominent example of the use of Islam as a vehicle of socio-political protest by the discontented sections of society. But Iran is not a unique case wherein Islam was used as a central focus of political conflict. In many other Muslim countries -- for example: Egypt, Algeria, Morocco, Tunis, Saudi Arabia -- popular Islamic forces have been challenging the political legitimacy of their respective regimes.

The most outstanding example of this delegitimising role of Islam in Pakistan is the 1977 Nizam-e-Mustafa movement, as a result of which an

alliance dominated by religious groups overthrew the regime of Zulfikar Ali Bhutto. The Pakistan National Alliance which was formed by the various religious-political groups at the time of the 1977 elections campaigned on the central theme of the introduction of Nizam-e-Mustafa and stirred up an unprecedented religious enthusiasm during and after elections. A critical look at the events of the 1977 movement against Bhutto clearly indicates that the underprivileged strata of both the traditional and modern sectors of society -- the petty bourgeoisie, the clerks, the school teachers, the para-professionals, the educated unemployed--had a conspicuous place in the constellation of forces that challenged the Bhutto regime. These were precisely the groups which became the backbone of the movement and provided the main strength to the urban and small town based semi-revolutionary Islamic struggle against Bhutto. Their Islamic struggle was essentially focused on the political mobilization of society in order to challenge the existing incumbents' political power. They used the Islamic ideals of fairness, justice, accountability, and accessibility to political power as an instrument to dislodge what they described as an anti-Islamic and authoritarian regime.

Irrespective of the outcome and the consequences of the 1977 Nizam-e-Mustafa movement, the important thing to note here is the effectiveness of the use of Islamic revivalist ideals and symbols by certain discontented groups of society whose religious concerns and material interests -- a la Max Weber -- converged in the umbrella ideology of Islam. It is true that during the last days of his regime, Prime Minister Bhutto had also succumbed to the irresistible pressure built up for Islam by the religious groups and had introduced a few measures based on Islamic teachings in order to augment his sources of legitimacy and to win support among the people. The fact that these measures failed to establish Bhutto's Islamic legitimacy among the majority of the people raises the important question as to who uses Islam more effectively and under what conditions.

The fact that the power to confer Islamic legitimacy was in the hands of those whose vital economic, social and ideological interests he had earlier so vehemently challenged, proved to be a great debilitating factor in Bhutto's search for Islamic credentials. Yet, even if he had succeeded in winning over the religious establishment, it would not have necessarily guaranteed automatic acceptance of his claims to Islamic legitimacy. The initial thrust of the opposition to Bhutto, articulated in Islamic religious idioms by the Jamaat-e-Islami, came from the lay Islamic activists of the lower middle classes and not from the Ulama. As Michael Hudson has pointed out, given the relative lack of a structural hierarchy in Islam, incumbents have severe limitations in using the Islamic "card." A Muslim ruler who has successfully incorporated the professional religious establishment into state structures may still be vulnerable to opposition by equally legitimate lay and popular Islamic forces. This is evident in many cases, including those of Morocco, Saudi Arabia and Egypt,

where the cooptation of the traditional Ulama by the state has not prevented the emergence of religiously-based opposition by lay Islamists.

The relative success of General Zia in establishing his Islamic legitimacy can be explained in part by his strategy of seeking certification for his Islamic authenticity from both the “professional” religious establishment as represented by the Ulama and the Mashaikh’ (Sufi leaders) on the one hand and the popular, lay Islamic forces as represented by the Jamaat-e-Islami, on the other.

Islam and National Integration

The political salience of Islam in Pakistan is also related to the role of Islam as a major source of national integration in a society marred by ethnic, linguistic and cultural diversity. At the time of independence, various constituent units of the new nation state (East Bengal, Punjab, Sind, Baluchistan, and the North West Frontier Province [Khyber Pakhtunkhwa]) had very little in common except Islam. It was Islam which became the basis for the Muslim League’s appeal to the diverse Muslim regions of British India to join together in a common struggle for Pakistan. The fact that Pakistan was not created in the name of ethnicity, language, or geography, but primarily on the basis of Islamic solidarity albeit expressed in the idioms of Muslim nationalism was perceived as an important potential asset for the prospects of national integration by both policy makers and intellectuals. It was believed that the emphasis on Islam in official pronouncements and the incorporation of Islamic values in public policies, especially in the fields of education, culture, and mass communications, would help weaken the parochial loyalties of ethnicity and language, and as a result, would strengthen the bonds of unity among various regions of the new state. In this regard, the historical experience of the early Islamic empires was invoked as a paradigm for contemporary Pakistan to show how diverse ethnic groups and regions came to be united in a single political community on the basis of overarching loyalty to Islam.

East Bengal — later renamed East Pakistan and now Bangladesh — was seen as a test case to demonstrate the efficacy of ideological bonds in a situation where the differences in ethnicity, language, ecology, demography and culture were relatively acute. The two wings of the country, which were separated by over one thousand miles of hostile Indian territory, shared very little with each other except Islam. But the founders of the nation were thoroughly convinced that the geographical remoteness and other differences would not in any significant way obstruct the processes of national integration if the people of both wings would continue to relate to each other on the basis of Islamic brotherhood. The emphasis on the role of Islam as the major integrative factor increased even more so in the late 1960’s when Pakistan witnessed a marked assertion of fissiparous centrifugal forces based on ethnic

identities and regional demands. The emergence of regional reverberations and separatist tendencies was seen as further reason to promote Islamic ideology as a basis for national solidarity. But as became evident from subsequent developments, emphasis on the religious aspect alone to the exclusion of other, more tangible ones could not ensure national unity. As Mr Nurul Huda, the then Finance Minister of East Pakistan put it: “. . . it would be unfair to expect that our spiritual bonds through Islam will be so strong . . . that we shall forget all our disparities and will still remain united . . . as a nation.” The secession of Bangladesh in December 1971, clearly demonstrated that Islam, although necessary for the creation of Pakistan consisting of two separate regions with distinct ethno-linguistic identities of their own, was still not a sufficient factor for sustaining their continued unity in the absence of other unifying interests. The failure of the national political elite and the intellectuals to relate Islam to more mundane issues such as the equitable distribution of economic resources among the various social groups and geographical regions of the country and the enfranchisement of the politically alienated sectors of society, ultimately led to a situation in which Islam itself came to be seen by the deprived regions as an instrument of exploitation.

In whatever way one may interpret the experience, or rather the failure, of national integration in East Pakistan, the fact remains that it left an indelible mark, both before and after the break up of the country, on the popular consciousness about the importance of Islam as a national political ideology. Before the separation of East Pakistan, it was the fear of the disintegration of the country which had acted as a propellant for Islam. In the aftermath of the separation, the faith in the efficacy of Islam as a basis for national unity for the remaining portion of Pakistan seems to have grown even stronger. It is in this context that one can describe the 1970s' wave of Islamic revivalism in Pakistan as a response to the traumatic events of 1971. The humiliating defeat of the Pakistani forces fighting for national unity at the hands of India had powerful psychologically unsettling effects for the people of the then largest Muslim state in the world, which often prided itself as the “fortress of Islam.” After the initial shock of the disintegration of the nation had been absorbed, there followed what may be called a period of introspection and soul-searching. This renewed quest for authenticity and national identity coupled with self-criticism as a result of the mortifying encounter with the Bengali separatists and the Indians in East Pakistan, led to the reaffirmation of Islam as both a personal succour and a national ideology. The Islamic groups were quick to seize upon the opportunity and point that East Pakistan was lost only because the people had not been good Muslims in their personal as well as collective behaviour. They also accused the rulers of neglecting Islam as a source of public policy, a fact which, in their view, had led to the emergence of a wide variety of anti-national forces in the country. The secession of East Pakistan was therefore, according to this formulation, not a failure of Islam but of the un-Islamic

policies and conduct of the rulers. The experience of East Pakistan thus became a rallying cry to return to Islam as an ideological remedy both to counteract similar developments elsewhere in the remaining part of Pakistan and to cultivate a new sense of religious rejuvenation. In many ways, one can compare this post-1971 rediscovery of Islamic identity of Pakistan with the experience of the Egyptian Muslims in the aftermath of their crushing defeat in the 1967 war with Israel. In both cases, humiliating defeats in wars resulted in a return to Islamic roots and renewed public commitment to Islamic ideals.

Islam, Politics and Social Cohesion

Coming in the wake of the world-wide resurgence of Islamic consciousness, the Islamisation measures introduced by President Zia were hailed by the Islamic groups as important steps toward re-linking Pakistan with its original ideological referent. Opinions differed, however, on the priorities, methods, scope, and effectiveness of Islamic reforms. Critics from within the Islamic groups thought that these reforms were not enough and that the government was moving too sluggishly toward the goal of establishing a truly Islamic society in Pakistan. They also expressed their skepticism about the sincerity and Islamic commitment of the implementing agencies and the effectiveness of piecemeal reforms. However, despite their reservations about the effectiveness of Islamisation policies, the Ulama and the Jamaat-e-Islami remained convinced about the sincerity of President Zia's personal commitment to Islam. A distinction was thus made between President Zia, who was seen as a good Muslim and the rest of the government officials who were seen as secular and conspiring to sabotage the president's Islamic programmes. What was more important was that the critique from within the religious sector was generally focused on issues that did not challenge the legitimacy and stability of the regime.

Other critics of the regime saw the whole process of Islamisation as a cynical attempt by the military to exploit the religious sentiments of Pakistan's overwhelmingly Muslim population. They accused General Zia of manipulating the Islamic symbols and institutions in order to perpetuate himself in power and to delegitimise his political opponents.

While the Islamisation process in its earlier phase did evoke a considerable enthusiasm among the people, it could not sustain the excitement because of the growing gap between expectation of the masses and the outcome of the Islamic reforms. Introduction of *Zakat*, *Ushr*, and interest-free financial systems, for example, did not manifestly result in any appreciable change in the distribution of wealth in society. The institution of *ihtisab* (accountability) did not solve the perennial problems in the Pakistani civil service, i.e., corruption and authoritarian style of dealing with the people. On the contrary, there is enough evidence to suggest that corruption actually

increased and became all-pervading. While announcing the enforcement of the Hudood laws in February 1979, President Zia had predicted that with the stringent punishments provided in these laws, crimes will be “wiped out” from society. Three decades after the introduction of these laws, not only have crimes not been “wiped out”, but according to the government statistics, crimes against life and property have been -- and are -- on the rise at a phenomenal rate. As a result of this, not only the credibility of the sponsors but the authenticity of the Islamisation process itself has come to be seriously doubted.

Islamisation also came to be associated with the increasing tensions among the various sects and legal and doctrinal schools in Pakistan. In Pakistan, as in some other Muslim societies, the rise of political Islam has also been paralleled by a resurgence of sectarian controversies and conflicts. This development may have been caused by a reawakening of religious consciousness in a way which strengthens the sectarian identities of the people and make them ever more sensitive about their distinct doctrinal positions. The question as to which interpretation of the Islamic law should form the basis for public policy became a major source of conflict not only between the Sunni and Shia Ulama but between the government and Shia community as well. The controversy over the divergent interpretations of Shari’a also filtered down to the popular level, causing frequent incidents of violence between the militant wings of these groups throughout the different parts of the country during the past quarter century.

One can argue, therefore, that the Pakistani version of political Islam -- both state-sponsored and as articulated by Islamic groups -- with its emphasis on legalistic changes and doctrinal hair-splitting, has created more dissensions among various Islamic sects and schools of theological and legal thought than it has unified different social strata of Pakistani society. A different set of priorities, signifying concern for social equality, economic justice and political participation, freedom and tolerance would have certainly received much more enthusiastic response from the people and would have also contributed enormously to the prospects of social harmony and national integration. In consonance with its own structural characteristics and political orientations, however, the military in Pakistan tended to confine Islamisation only to revenue collection, law and order maintenance, and a literalist application of certain Islamic precepts in the field of rituals. Furthermore, since the martial law regulations -- providing for preventive detentions, arbitrary arrests, press censorship and whipping of both ordinary criminals and political workers--and Islamisation policies came from the same source, Islam and coercion came to be regarded as synonymous in the popular perception. The confusion about what was validated under the authority of the martial law on the one hand and what was given credence in the name of Islam, on the other, was further confounded by the fact that the regime tried to justify everything it did in

Islamic terms and thus helped identify Islam with the policies which were primarily intended for its own perpetuation.

Islam and the Structural Crisis of the State

Many explanations of Islamisation in Pakistan, as elsewhere, are offered from the perspective of civil society and tend to emphasize the role of Islamic political groups in creating political conditions under which Islamisation became possible. However, the fact that, in Pakistan, Islamic socioeconomic measures were sponsored by the state, which was firmly in the hands of the military-bureaucratic oligarchy during the Zia period, raises important questions about what Hamza Alvi has described as alternative modes of the articulation of power by the state. It also introduces new perspectives on the role of the military in the sociopolitical developments of “new” nations as well as on Islam and the legitimisation of power in a given social context.

As has been pointed out earlier, the military-bureaucratic oligarchy during the 1960s used the ideology of developmentalism to enhance its political control and strengthen its fiscal resource base, as well as to perpetuate the socioeconomic conditions and political arrangements that had given rise to its unmitigated control of the state apparatus. The decade of the 1970s, however, witnessed a series of crises for the state and its guardians. Economic development, political authoritarianism, and administrative centralisation were the three pillars on which this ruling oligarchy had built its edifice of power and control during the 1960s. The 1968-69 anti-Ayub mass movement, led by Zulfikar Ali Bhutto in West Pakistan and Sheikh Mujibur Rahman in East Pakistan, challenged both the legitimacy and the efficacy of these ‘pillars.’ The dismemberment of the country in 1971, as a result of the successful assault by the forces of regionalism in East Pakistan against the state further deepened this crisis. First, the guardians of the state were badly bruised and humiliated for their failure to protect its territorial integrity. Second, the loss of East Pakistan brought new and popular political forces into power in the “New Pakistan,” forces that represented the aspirations and interests of the non-elites. This new political leadership came with a popular mandate to enact major structural changes in the economy, polity, and society. Second, the legitimacy and *raison d’être* of the state itself were challenged in the wake of the East Pakistan tragedy. This crisis of legitimacy was primarily linked with the question of Pakistan’s national identity and ideological basis. Third, the regional and ethnic separatist interests in the remaining parts of Pakistan, emboldened by the experience of East Pakistan and cognizant of the state’s vulnerability, became more assertive in challenging the state’s authority. All of these developments compounded the general crisis of the state, which, according to the calculations and perceptions of the military-bureaucratic oligarchy, the populist and somewhat erratic political leadership of Zulfikar

Ali Bhutto was unable to resolve. On the contrary, Bhutto was held responsible for unleashing sociopolitical forces and initiating economic and administrative policies that, in their view, had further aggravated the crisis for the authority of the state.

In an important sense, therefore, one can argue that the state-sponsored Islamisation during the Zia regime (1977-88), like the 1958 *coup d'état* of Ayub Khan, was an attempt by the traditional guardians of the Pakistani state to regain control over the direction of change and to bring some order and management to the processes of change. Islamisation can thus be viewed as an efficient and necessary mode of the articulation of power by the state at a critical juncture in the late 1970s. The civil, military, and bureaucratic elites did not oppose economic and social development; they only wanted to ensure that these developments took place in accordance with their preferences and interests and did not bring into the political arena elements that could challenge the status quo or that enjoyed an independent, popular support base. Hence the most important element in the regime's Islamisation strategy was to restore the state's authority, which had been eroded by Bhutto's populist rhetoric and policies and the continuous agitational politics perpetuated by opposition political parties. This was achieved through a combination of ideological and punitive measures: Islamic normative ideals (i.e., harmony of interests between the civil society and the state, obedience to state authorities as an Islamic virtue, and legitimising the authority of the state itself in Islamic terms); Islamic penal laws and martial law regulations (i.e., delegitimising political dissent and employing detention, imprisonment, corporeal punishment, and even execution for violations).

Another important objective of Islamisation policies was to bring order to the productive sectors of society, to guarantee the sanctity of private property in order to restore confidence among the private investors, and to find ways and means to meet the rising expectations associated with the welfare demands of the underprivileged classes that were encouraged during the Bhutto era. It was also necessary to ensure a steady and predictable flow of funds from the productive sectors of society for the fiscal stability of the state, which was facing a serious financial crisis due to declining investments, low saving rates, decreasing flows of foreign aid, and enormous budget deficits and trade imbalances. These objectives were achieved by providing constitutional guarantees for the protection of private property "in accordance with the principles of Islam"; by introducing the system of compulsory collection of *Zakat* and *Ushr* (to mollify the poor that their needs will be taken care of and also to take care of the budget deficits of social welfare, education, and health departments of the provincial governments); by deregulating and denationalizing industrial and commercial enterprises to encourage private investment and, as a consequence, expand the tax base of the economy ("Islam encourages private initiatives," Zia told Pakistan's

Chamber of Commerce and Industry); and by introducing the Islamic system of interest-free financing and banking, thus ensuring greater control over credit supply through nationalised banks.

In view of the above, the explanation for the rise of Islamic revivalist-fundamentalist ideology and its adoption by the rulers as a means to respond to the state's structural crisis becomes plausible. But this phenomenon is not peculiar to Islam; it is evident from several cases that other ideological formulations have performed similar functions as far as the needs for legitimacy and imperatives of the reassertion of state authority are concerned.

In the case of Pakistan, one can argue that Islamic revival as a state-sponsored ideology appeared at a critical time in the history of the Pakistani state. It helped facilitate the reconsolidation of political power in the monolithic structure of the state, through both ideological rationalization and institutional changes. Notwithstanding Bhutto's actual policies, his rhetoric certainly created a psycho-political climate conducive to more radical demands for popular participation, regional autonomy, and socioeconomic reforms. These all threatened the power and privileged position of the military-bureaucratic complex. What was equally threatening was the degree of radicalism and militancy that Bhutto helped introduce into the political process. Islamic revivalism, as an ideological instrument in the hands of the military rulers, helped them to counter the militancy of groups mobilized during the Bhutto years. It also provided the rulers with a powerful ideological justification with which they could delegitimise the political aspirations of non-elite militant groups on the basis of their alleged anti-Islamic orientation. Simultaneously, Islamic revivalist-fundamentalist ideology and the Islamisation measures adopted under its rubric helped the guardians of the state to mobilize, as a countermeasure, important segments of society (i.e., religious and political groups, nonpolitical Ulama, the lower sections of the new middle class and traditional petty bourgeoisie) as a solid support base for their power and policies.

It would appear, then, that when the military intervened in the political process in the wake of the civil disturbances and decided to appropriate the Islamic revivalist ideology of Nizam-e-Mustafa (the system of Prophet Muhammad) movement after it once again took over the reigns of state power, it was primarily responding to the crisis created by Bhutto's efforts to restructure the locus of power in the postcolonial state. Throughout Pakistan's independent existence the dominant ideological overtones that gave legitimacy to this oligarchy have, more or less, remained the same. In broad structural terms, therefore, there was no difference between General Zia's Islamic oriented military regime and Field Marshal Ayub's development-oriented military regime. Only the mode of the articulation of power has changed from economic development to Islamic revivalism.

Conclusion

Among the Muslim societies, the Pakistani case of Islam-politics relations is unique in many respects. First of all, Islam being the very *raison d'être* of the Pakistani state, a built-in political Islam was already there in its foundations, ready to be realized in conjunction with other factors. Second, political-Islamic revival in Pakistan came about as a result of an alliance between the state and the religious sector and not in the form of a confrontation between the two. Third, although the religious sector is internally divided in various factions because of sectarian and juristic differences, the boundaries between, what is described in the context of Egypt and the Gulf states, as “the establishment Islam” and “the popular Islam” -- the latter being the source of Islamic militancy -- are increasingly becoming blurred in Pakistan. Fourth, unlike Iran, Islamic political revival in Pakistan has not come about through a socio-political revolution but in the wake of a military *coup d'état*, although the military takeover was preceded by a mass movement launched in the name of Islam. The deliberate and measured changes in the name of Islam ensured the continuity of the existing structural arrangements in the distribution of power in society. Fifth, the state-sponsored Islamisation consisted mainly of legal and institutional changes in certain selected areas of public life. This process was facilitated by the fact that the “religious demands” of the Islamic groups were of such a nature that they could easily be incorporated into the existing social and political relations. Sixth, the appropriation of the task of Islamisation by the state tended to preempt the demands for more radical changes in society, especially in the areas of social and economic justice. Seventh – and this was widely noted at the time -- the conservative restablization of socio-cultural life in the wake of Islamisation was not met with any significant resistance by the liberal-modernist groups in society. Given Pakistan’s rich and intellectually profound tradition of liberal-modernist Islamic thought which includes such luminaries as Sir Sayyid Ahmad Khan (d.1898), Syed Amir Ali, (d. 1928), Muhammad Iqbal (d. 1938) and Fazlur Rahman, the muted response by the contemporary Pakistani intellectuals to the conservative backlash was especially surprising. One explanation could be that the liberals lacked both organic links with the people as well as an organisational base equivalent to the one available to the Ulama and the lay Islamic groups, and were thus not in a position to become a formidable force against the conservative trend. Eighth, although Islam provided a basis for legitimacy of the military regime and contributed significantly to the maintenance of a degree of political stability, the kind of Islamisation introduced by the state and approved by the Islamic groups also created sectarian tensions, conflicts and violence. ■

ISLAM AND DEMOCRACY IN PAKISTAN

Dr Muhammad Khalid Masud

Introduction

Whether democracy is compatible with Islam or not has been under discussion for more than a century. The issue came recently again into focus in Pakistan in the wake of the war on terrorism, particularly when in 2008 Sufi Muhammad, the leader of Tahrir Nifadh Shari'at Muhammadiyya declared democracy “*Kuffi*” (un-Islamic). It is commonly assumed that anarchy, sectarian violence and terrorism are consequences of undemocratic and authoritarian polities. These assumptions notwithstanding, debates about democracy have been mostly with reference to Islam; is it Islamic or un-Islamic?

What makes this question relevant is the historical context that has left several un-resolved issues like defining Muslim and national identity, nation-state and Islamic state, rule of law and Shari'a. With reference to democracy, the basic question that attracted more attention than others has been whether sovereignty belongs to state represented by people or to God represented by the Ulama.

Studies on Islam and democracy never fail to stress that building democracy in Muslim countries is a formidable task. United States' Institute of Peace report on this subject opens with the following statement: “Democracy building remains an uphill struggle in most Muslim countries”¹. Contrary to several Western scholars on Islam, Martin Kramer² argues that Islam is the reason that so many Muslim countries are not democratic³. He insists that Muslim communities have been authoritarian and support authoritarianism. Islamic countries have produced no democratic movement. The various Islamic movements that have emerged during the last century have been

¹ Laith Kubba et al., Islam and Democracy, Special report 93, United States Institute of Peace, September 2002, <http://www.usip.org/pubs/specialreports/sr93.html>

² Martin Kramer is a senior associate (and past director) of the Moshe Dayan Center for Middle Eastern and African Studies at Tel Aviv University. He is also the Wexler-Fromer Fellow at The Washington Institute for Near East Policy. Graduate from Princeton and Columbia, Dr Kramer has been a visiting professor at Brandeis University, the University of Chicago, Cornell University, and Georgetown University. His authored and edited books include *Islam, Shi'ism, Resistance and Revolution; Middle Eastern Lives; Arab; The Islamism Debate; The Jewish Discovery of Islam; and Ivory Towers on Sand: The Failure of Middle Eastern Studies in America*.

³ Martin Kramer, “Islam vs Democracy,” in *Arab Awakening and Islamic Revival: The Politics of Ideas in the Middle East* (New Brunswick, New Jersey: Transaction Publishers, 1996), 265-78.

entirely opposed to democracy rejecting it as part of Westernism. Since 1979 a number of Islamic movements transformed themselves into populist movements against the state because they opposed the ruling parties. The discontent with the states, which were unable to provide solutions, made them popular among the masses. The movements remained fundamentalist and violent. They participated in the political system and won elections in Egypt in 1987, in Tunisia in 1989, in Jordan in 1989 and in Algeria in 1990. Western scholars treated them as democratic movements and interpreted this victory in the light of what they called 'theory of initial advantage'; the fundamentalist groups naturally take advantage of the situation because Muslim communities are not used to democracy and electoral politics. According to Kramer, fundamentalism is very basic to Islamic thinking and culture. Consequently, free elections will always strengthen fundamentalism and give them victory. In the Islamist thinking, the West stands as an enemy of Islam, an enmity that can never be reconciled.

Kramer seems to have taken a very narrow and essentialist view of Islam and current politics in Muslim societies because his attention is focused on the Islamist thought. He neither recognizes the diversity in Muslim political thought and nor goes deeper to look at the common stress in this diversity on principles like liberty, rule of law, constitutionalism and participatory politics.

The paper argues that the Islamist view is not the only perspective on Islam and democracy. Broadly speaking, at least three views have emerged in this regard. One view, often favoured by the Western media, holds that Muslim societies are unable to develop a liberal culture and hence Muslim countries have not been able to achieve democracy. Another, although a majority view among Muslim intellectuals, and not generally supported by the political practice, claims that democracy is not only compatible with Islamic teachings but also that Islamic polities in history have been more democratic than any other system in the world. The third view, supported generally by the religious political parties and the conservative power groups in Pakistan, maintains that democracy is a foreign Western concept and does not go along with Islamic teachings. Some religious political parties define "Islamic democracy" from a religious perspective and argue that it differs from "Western" democracy in form as well as in objectives.

No doubt, there are several other factors having impact on the progress of democracy in Pakistan but obviously religious arguments dominate the opposition to democracy. Even though all the religious political parties are part of the democratic system in Pakistan yet they are foremost in expressing reservations against this system.

This paper offers an analysis of a selection of the various views expressed in this debate. Since this debate situates itself in the history of Islam and the theory of caliphate, the paper overviews the institution and the various

theories of caliphate to understand the relevance of this concept to the formation of the modern state.

Discussion in the paper is divided into three sections. The first section looks at the institution of caliphate, its origins, historical development and the various political theories about caliphate as a form of state. The second section reviews the debates and political theories offered by some prominent Muslim thinkers in the modern period after the abolition of the institution of Ottoman caliphate in Turkey. The third section offers an analysis of some prominent views on Islam and democracy in Pakistan.

Islam and Caliphate

Historically, the Muslim approach to the state and its formation has been quite pragmatic. The first formation of the caliphate in 632 was within the tribal norms of political leadership. The formation of the Umayyad caliphate was modeled on kingship (*Mulukiyya*) and the Abbasids followed the Sassanid model. The formation of later caliphates adopted contemporary styles of polity and administration.

Ibn Qutayba's (d. 889) long and detailed history of the origins⁴ of the caliphate reveals that until his time, the narrative of the early caliphate was not formulated with reference to the Qur'an or Hadith. Even though its historical significance requires its citation in full but, in view of short space, only the salient points are given below⁵.

1. The concept of *Khalifa* is broadly formulated in a non-religious tribal framework of succession. Abbas offered oath of allegiance to Ali and said that once the oath has been taken others will follow.
2. The only religious reference made on that occasion was to Abu Bakr's leading prayers on the instructions of the Prophet. It is mentioned more as evidence to his closeness to the Prophet.
3. Nobody spoke about the necessity of state or political authority as an essence of Islam.
4. There were several proposals about succession and forms of government.
5. No reference is made to the hadith about the leadership of the Quraysh. Reference to the Quraysh is made mentioning their political influence. Some Ansar elders contest this statement. It is later that political theorists cite the hadith that leadership belongs

⁴ Ibn Qutayba, *Al-Imama wa al-siyasa* (Cairo: Halabi Company, n.d), 12-19.

⁵ See for a summary of the narrative, Muhammad Khalid Masud, "The Changing Concepts of Caliphate – Social Construction of Shari'a and the Question of Ethics," in *New Directions in Islamic Thought, Exploring Reform and Muslim Tradition*, ed. Kari Vogt et al. (London: I. B. Tauris, 2009), 187-205.

to the Quraysh and that it was considered an essential qualification for the caliphate.

6. The term *Khilafa* or *Khalifa* was mentioned in the ordinary meaning of succession; it was not used in any doctrinal or technical sense. In fact the term *Khalifa* was not the focal point.

Early Political Theories of Caliphate

Early political theories differ about the concept of caliphate. The state officials like Ibn Muqaffa' and Abu Yusuf support absolute power of the caliph on religious as well as on rational bases. Others like Jahiz question the legitimacy of the absolute authority. Generally, these theories seem to reflect the debates and influences of contemporary political systems. The Umayyads in Syria were probably more under the influence of the Roman kingship. The concept of caliphate changed under the Abbasids. Partly influenced by the Sassanid examples, the Abbasid caliphate moved to a more religious and absolute authority of the caliph.

Ibn al-Muqaffa (d. 756), secretary to the Abbasid caliph al-Mansur (reigned 754-775), believed that legitimacy of the political authority is based on religious conviction which is common between the caliph and his army. The caliph's authority is absolute. He unifies the people through unity of belief and law. Ibn Muqaffa' advised the caliph to regulate the diverse laws prescribed by the various schools of law that divided the people. He recommended that the caliph should create a code of law based on (i) precedents and usage (*siyar*), (ii) tradition and analogy, and (iii) his own decisions which would in turn be amended by succeeding caliphs.

Abu Yusuf (d. 798), a qadi of the Abbasid caliph Harun al-Rashid (reigned 786-809), believed that the source of political authority was God's choice and the caliph was a vicegerent of God on earth. It is the duty of the subjects to obey their caliph (imam), because the caliph is like a shepherd of his people. Abu Yusuf does not mention the principle of election; the legitimacy of caliph's authority is based on the Sunnah of the Rashidun and of Umar b. Abdul Aziz.

Al-Jahiz (d. 868-9), on the other hand, rationalized the legitimacy of political authority arguing that a caliph (imam) is needed because humans are by nature predatory. The people need someone to regulate them. Al-Jahiz, however, does not believe in the absolute power of the caliph. According to him, the basis of political authority is therefore the rule of law. He considers it a right of the Muslim community to oppose the transgression of the law even by the caliph. The subjects must denounce and depose the caliph who transgresses the law.

The Classical Theory

With the rise of the power and role of the army in the appointment of the caliph, the legitimacy of the institution of sultan (the army ruler) along with the caliph also became a major issue of political theory during the tenth and eleventh centuries. Abu'l Hasan Ali al Mawardi's (d. 450/1058) *al-Ahkam al-Sultaniyya* is regarded as the classical political theory because it offers a systematic treatment of the administrative power structure synthesizing the various theories and practices. Al-Mawardi's theory is built on the idea of the delegation of power. He argues that God delegated political authority to the imam and that he alone could delegate this to others. He lays down the qualifications of the imam and discusses the functions of his office, having in mind the limitations imposed upon the caliph by political circumstances. It is essentially a book on public administration and rules of government; only a small portion of the work is devoted to general political theory. He assimilates all previous practices about the forms of caliphate into his Islamic political theory: election by the community, nomination of the successor, selection by a committee of elders, hereditary succession, even army seizure of the caliphate (*istila'*, *ghalba*). This methodology illustrates Islamic political pragmatism, which is in turn founded on the principle of rule of law and the doctrine of state necessity.

In his discussion of the formal institutions of government, Al-Mawardi concentrates mainly upon what constitutes a valid investiture by the caliph of his functionaries, in particular the Wazir and the Amir. Constrained by necessity and expediency, he limited even the political obligations of the caliph as the executor of the Shari'a by the possibility of fulfillment.

Regarding the method of appoint, al-Mawardi expounds two methods of designating a caliph in Islam: (1) Election by the group of people who have the political capacity (*ahl al-'aqd wa'l hall*), and (2) by the declaration of the preceding caliph⁶. It must be noted that at this point al-Mawardi does not refer to the Qur'an or Hadith or Sunnah. Apparently, he has assimilated the practice in history until his time into his theory. The term *Ahl al-Hall*, as he explains, refers to the people who appointed Abu Bakr and Uthman. The nomination by the preceding caliph refers to the caliphate of Umar who was appointed by Caliph Abu Bakr. It is quite significant that al-Mawardi assimilates the practice of hereditary appointments (*wali al-'ahd*) in the Umayyad and Abbasid periods as declaration by the preceding caliph.

Regarding the required qualifications, al-Mawardi prescribes seven conditions for the appointment of a caliph. (1) He must be just in all respects. (2) He must be learned enough to have the capacity of *Ijtihad*. (3) He must not have physical defect in hearing, seeing, and speaking. (4) He must not have any

⁶ Abu'l Hasan al-Mawardi, *Al-ahkam al-Sultaniyya* (Cairo: Halabi, 1973), 6.

physical defect in the body affecting his capacity to move. (5) He must be wise in dealing with the subjects and administration. (6) He must be brave. (7) He must belong to the Quraysh. In actual history, most of these qualifications were disregarded. Majority of the caliphs were illiterate, not to speak of *Ijtihad*. Despite the requirement of this capacity, a caliph's right to exercise *Ijtihad* was continually disputed. In modern theories (see below), it is no longer considered necessary.

The last qualification of belonging to the tribe of Quraysh was strictly observed until the sixteenth century. It is particularly significant that al-Mawardi cites at this point two statements attributing them to the Prophet, "Quraysh are the leaders" (*al-a'immatu min quraysh*), and "Let the Quraysh lead, do not lead them" (*qaddimu qurayshan la tuqaddimuhā*)⁷ as Hadiths⁸. Apparently, the condition that the caliph must belong to the Quraysh was not prescriptive in early Islam. The Khawarij, who revolted against Ali and Mu'awiya, did not choose their leaders from the Quraysh yet called them Amir al-mu'minin⁹. They cited another saying of the Prophet: "Obey the ruler, even if he is an African with a small head like a raisin" (*isma'u wa ati'u wa inustu'mila Habashiyyun kana ra'suhu zābibatan*)¹⁰.

In Ibn Qutayba's narrative, the argument goes as follows: The Quraysh is a powerful tribe and that the people would not obey others, so the caliph must be from the Quraysh. In al-Mawardi's doctrine, the position of the Quraysh is supported by a hadith. This hadith should have been known to the companions and no occasion could be more relevant than that to cite that hadith. Further, Ibn Qutayba is one of the outstanding supporters of the Hadith movement. He could not ignore such an important hadith. The fact that for 800 years, all the political theorists insisted on the descent from Quraysh as the unchanging requirement for a caliph has to do with this condition mentioned as a Hadith. Reference to a Hadith provided more legitimacy than Ibn Qutayba's rational argument that the Quraysh were powerful enough to command obedience. Abbasid caliphs virtually had no power against non-Arab military commanders who appointed and deposed these caliphs. The situation changed with the Ottomans. The condition as well as the hadith is often not mentioned in the Ottoman political theory. As discussed later in the third section, modern Muslim political thinkers also do not regard it an essential condition.

Al-Mawardi's contemporary writers, e.g., Abu Ya'la (380-458/990-1066) Ibn al-Farra', Ibn Aqil (431-513/1040-1119), al-Juwayni (419-499/1028-1105),

⁷ Ibid.

⁸ I have not found these two cited texts in the six collections of hadith. Apparently, the condition that the caliph must belong to the Quraysh was not prescriptive in early Islam.

⁹ G. Levi Della Vida, "Kharijites," *Encyclopedia of Islam*, IV, 1133.

¹⁰ Bukhari, *Sahih*, Hadith no. 652 (chapter Adhan).

and al-Ghazali (450-505/1058-1111) seemed equally concerned with the caliph's mission as the vicegerent of the prophet, and with his duty to defend Islam and to administer the affairs of the community. Al-Ghazali explains the relationship of caliph and sultan. The caliph remains the symbol of the supremacy of the Shari'a but the sultan is associated with him and recognized as the holder of coercive power. As al-Ghazali legitimises caliphate imposed by force, he seems to suggest that the sultanate is taken by power and the caliphate is legitimately bestowed by the sultan's delegation (*tafwid*). The symbolic status of the caliphs in the post Abbasid period eliminated the distinction between *de facto* and *de jure*. Ibn Jama'a (d. 1333), writing after the extinction of the caliphate by the Mongols, not only regarded the seizure of power as a legitimate reason for political authority but he also attributed to it all the constitutional powers that the earlier jurists had expounded.

Later Political Theories

Ibn Taymiyya (d.1328) seeking a more radical solution denied the obligatory nature of the caliphate. He argued that the true caliphate lasted only for 30 years. Ibn Taymiyya called for *al-siyasa al-shar'iyya*; the ruler must abide by the Islamic law (Shari'a). The people should obey a ruler as long as he abides by Shari'a, because according to him the legitimacy of political authority does not exist if the ruler does not abide by the Divine law. In Ibn Taymiyya's theory, the focus of legitimacy shifts from the emphasis on election, Qurayshi origin, hereditary succession and military power to Shari'a. Regardless of the fact that his emphasis on Shari'a legitimises *de facto* rule, Ibn Taymiyya is keen to resolve a dispute on the point that Ibn 'Aqil (d. 1119), another Hanbali jurist, had begun.

Apparently, the Mongols introduced new political ideas, which revived the debate on governance (*siyasa*). Ibn Aqil held that governance must be based on justice (*al-siyasa al-'adila*), not on oppression (*al-siyasa al-zalima*). Referring to this dispute, Ibn Qayyim al-Jawziyya (d. 1350) notes that Ibn Aqil regarded just governance as Islamic government. Ibn Taymiyya disagreed: *al-siyasa al-shar'iyya* and *al-siyasa al-'adila* are two different concepts. For Ibn Taymiyya, the ideal is the *Khilafa 'ala minhaj al-nubuwva* (the caliphate modeled on the prophethood) and it ended with the first four caliphs. The caliphate after this period is not true caliphate; it claims legitimacy only in the name of Shari'a.

To conclude this section, the above analysis highlights the diversity and continuous changes in the concept and institution of the caliphate. The concept and the form of the institution of *Khilafa* (caliphate), the principal form of Islamic polity, which came to be adopted by the Muslim community after the death of the Prophet changed constantly between 632-1924. The caliphate began disintegrating during the late Abbasid period. The Fatimid and

the Umayyads established caliphates in Egypt and Spain respectively in 909 and 928 parallel to the Abbasids in Baghdad. The Abbasid caliphate that had already lost its sovereignty with the rise of Sultans and Amirs came to an end in 1258. The Mamluk rulers restored the caliphate, rather as a symbol, in Egypt in 1261 by appointing an Abbasid as caliph. In 1517 the Ottoman Sultan Selim defeated the Mamluks and exiled the last Abbasid caliph to Constantinople. The Ottomans assumed the title of caliph and developed this model as a powerful political system. Muslim rulers in other Muslim lands claimed sovereignty under various other titles of Sultan, Amir, Padshah and so on, some of them sought legitimacy by requesting investiture from the ruling caliph. Most of these rulers did not regard such investiture necessary. The Ottoman caliphate became gradually weak during wars with its neighboring European countries. The caliphate was reduced to be a symbol with the constitutional changes and was finally abolished in 1924 by the Grand National Assembly.

The Concept of Caliphate in Modern Muslim Political Thought

The abolition of the Ottoman caliphate in 1924 had a deeper impact on the concept of caliphate in modern times, perhaps more than the destruction of Baghdad in 1258. Nationalist movements in the Middle East had for some time been advocating the transfer of caliphate to the Arabs. At least three contenders to the caliphate emerged: King Fuad I in Egypt, Sharif Hussein b. Ali in Mecca, and the Bey of Tunis. A group of leading al-Azhar Ulama under the chairmanship of Shaykh al-Azhar al-Jizawi and President of the Supreme Religious Court Shaykh al-Maraghi supported King Fuad I. Another group of Ulama gathered in Al-Aqsa in Palestine and supported the Sharif of Mecca. The British were behind the Sharif of Mecca and the French were supporting the Bey. A caliphate conference was convened in Cairo in May 1926 but it could not agree on a successor to the Ottoman Sultan Abd al-Hamid II. Two other congresses held in 1926, one in March in Cairo and the other in July at Mecca, also could not agree on a successor caliph. Two more congresses in 1930 and 1931 denounced the British policies and affirmed the spirit of solidarity between Arab and Muslim countries but could not solve the problem of caliphate.

The impact of the abolition of caliphate on Muslims in India was quite different. For Indian Muslims, the Ottoman caliph was the symbol of Islamic political existence. Muslims all over India were deeply shocked. The Ulama issued *Fatwas* against Atatürk¹¹. Muslims in India viewed these developments as part of the British policies of betrayal.

¹¹ Iqbal said that to his knowledge no scholar in India or Egypt had opposed this view. Mu'in al-Din Aqil, *Iqbal anr Jadid Dunyay Islam* (Lahore: Maktaba Ta'mir Insaniyat,

Muslims in India had agreed to join the British army in the First World War after the British promised not to partition the Ottoman caliphate. A massive agitation, known as the *Khilafat* Movement started in India in 1919 to protest against the Balkanization of the defeated Ottoman Caliphate. The Hindus also joined Muslim agitation. The British used the *Khilafat* Movement against Mustafa Kemal who had been gaining popularity among the Muslims in India after defeating the Greeks. The British sent to Turkey a delegation of *Khilafat* leaders that came to London in 1920 to negotiate the issue of caliphate with the British government. The Ottoman Caliph received the delegation with pleasure as it enhanced his authority over Muslims in India.

Mustafa Kemal, who was hailed as Ghazi on account of his achievements during the War, lost his popularity entirely when in March 1924, the Grand National Assembly, abolished the caliphate. Consequently, the *Khilafat* Movement turned into a violent protest against the British as well as Ataturk. The British perception of caliphate also changed; it came to be conceived as a pan-Islam movement for universal caliphate¹² and a threat to the West.

It was under these circumstances that some political thinkers began to review concepts of caliphate as issues of Islam and democracy. As the debates on Islam and democracy in Muslim India were shaped by these developments, I would like to review three important theories of caliphate in the Arab world before discussing the views of thinkers in India and Pakistan.

Rashid Rida (1865 -1935)

Rashid Rida¹³ wrote *Al-khilafa aw al-imama al-uzma* in 1923 before the abolition of the caliphate. He reformulated the medieval Muslim jurists' doctrine of caliphate responding to the local political needs. Rida's political theory added the following elements to the classical formulation: the idea of a spiritual caliphate: the need for the political independence of Islam, and the promotion of a democratic consultative system of government under a modernised Shari'a. He argued that an ideal caliphate fulfilling all the classical conditions was not feasible. He revised several of the classical conditions like *Ijtihad* and added new concepts like republic, and gave new meanings to classical

1986), 231, states that the Ulama of al-Azhar issued a fatwa against Ataturk, but he has not reproduced a text. It is, however, immaterial whether a fatwa was actually issued. The question that Iqbal raised was not under consideration. In fact it is not so even today.

¹² M. Naeem Qureshi has studied Khilafat movement in depth in *Pan-Islam in British Indian Politics, A Study of the Khilafat Movement 1918-1924* (Leiden: Brill, 1999).

¹³ Emad Eldin Shahin, Muhammad Rashid Rida in *The Oxford Encyclopedia of the Modern Islamic World* ed. John L. Esposito (New York & Oxford: Oxford University Press, 1995), vol 3, 410-412.

institutions like *Shura* (consultation) and *ahl al-hall wa'l aqd* (those who bind and unbind); the former to mean democratic form of government and the latter to signify limitations on the powers of the caliph and distinguish from monarchy (Mulk). In his theory, Shari'a and *Ijtihad* bestowed Islamic identity to a modern republican (rule with restricted rights) form of government.

Rida's theory reflected also Arab nationalism; it criticised the Turks for the failure of the Ottoman caliphate, and called for the revival of caliphate, a modern republican caliphate with Islamic identity. It revised the qualifications of a caliph like capacity of *Ijtihad* and Quraysh descent.

Ali Abd Al-Raziq (1888-1966)

Ali Abd Al-Raziq¹⁴ disagreed with Rashid Rida about the necessity of caliphate. His political theory expounded in *Al-Islam wa Usul Al-hukm* became extremely controversial. Ali Abd al-Raziq, a teacher and Shari'a judge, argued that caliphate, or for that matter political authority and state, was not essential in Islam. His work was published in 1925, soon after the abolition of the Ottoman caliphate. According to him, the Qur'an and the Sunnah neither demand nor reject the rule of a *Khalifa* (caliphate) or imam (imamate). Analyzing the role of Prophet Muhammad, he argued that his was essentially the mission of a prophet, not of a political ruler. "The Prophet's leadership, as I have explained, was religious and came as a result of his message and nothing else. His message ended with his death, as did his leadership role. No one has a right to claim his political successor as no one can claim succession to him as prophet"¹⁵. Islamic Umma is spiritual and bears no relation to politics or forms of government. The Prophet did establish Umma but he never mentioned or proclaimed a specific form of government. Like the Mu'tazila, he regarded caliphate or political authority as accidental and contingent.

Ali Abd Ar-Raziq's thesis was strongly denounced by the Egyptian Higher Council of Ulama, who expelled him from al-Azhar. Several books were written refusing his thesis and insisting on the centrality of caliphate in Islamic political thought. By denying the necessity of a caliph in Islam, his theory appeared to reducing King Fuad's chance for caliphate. Leading Ulama at al-Azhar had already endorsed his claim of assuming that title. Rida's political theory, although proposing republicanism, was not so threatening.

¹⁴ Eric Davis, Ali Abd al-Raziq, Ibid.5-7.

¹⁵ Ali Abd al-Raziq, *Al-Islam wa Usul Al-hukm* (Casablanca: Ittisalatlu Sabu, 2006), 96.

Taqi Al-Din Al-Nabhani (1909 -1977)

Taqi al-din al-Nabhani founded the Hizb al-Tahrir ¹⁶ in Quds in 1953. Hizb al-Tahrir is a political party based on Islamic principles aiming at the revival of the state of Islamic caliphate, in order that the political authority (*hukm*) returns to Divine revelation. According to al-Nabhani, the revival of the caliphate is the primary objective because Muslims are obliged to obey all the Islamic injunctions and they are bound to the authority of Divine revelation. This obedience is not possible until an Islamic state is established and there is a caliph who enforces Islam on the people.

The Hizb defines *Khilafa* as a general leadership for the entire Muslim community in the world to establish Islamic law and to carry the call of Islam to the whole world. *Khilafa* and Imama are interchangeable. The establishment of a caliph is a collective duty of all the Muslims in the world. The source of this obligation is Sunnah and *Ijma'a*. A *Khalifa* is established by a voluntary bay'a (oath of allegiance) but once a caliph is chosen the others must take oath (bay'a) to obey him. The first bay'a is the oath of caliphal contract; the second is the oath of obedience. The caliph must be a male, adult, sane, just and free Muslim. In contrast to the classical theory that prescribed ability of *Ijtihad*, valiance and descent from the Quraysh as essential qualifications for a caliph, the Hizb no longer considers them necessary.

The Hizb also does not insist on other elements in the classical doctrine. It has adopted several modern concepts. Universal caliphate means global unity. Regarding the question about how to elect a caliph, the Hizb proposes two processes. In the first process a group of persons elects a person as caliph. The Hizb is quite vague about the definition, qualification and composition of this group. Any number of persons, even three, can select a caliph. The Hizb does not regard the traditional jurist idea of ahl al-hall wa'l aqd as a necessary condition. The Hizb also does not regard the modern forms of election and voting necessary but also does not reject them.

Khilafa is a political system within the ideological framework of Islam that enshrines: the rule of law, representative government, accountability by the people through an independent judiciary and the principle of representative consultation. It is government built upon the concept of citizenship regardless of ethnicity, gender or creed and is totally opposed to the oppression of any religious or ethnic grouping.

The highest executive post is the post of *Khalifa* who appoints ministers without portfolio to assist in ruling, and governors for the various regions. The legislative sources are the Qur'an and sayings of the prophet Muhammad. While differences of interpretation of these sources can occur, as with any

¹⁶ The source of the information in this section is the following pamphlets issued by the Hizb: *Hizb al-tahrir* (1985), and *al-Khilafa* (n.d).

legislative sources, the particular interpretation adopted by the *Khalifa* must be justified before an independent judiciary, which has the power to remove him from his post should he flagrantly deviate from the boundaries of credible legal interpretation (*Ijtihad*). The people appoint the *Khalifa*, and hereditary rule based on the supposed divine right is forbidden. Consultation is one of the pillars of ruling and is best served by the establishment of representative councils composed of men and women from all religions and ethnic groupings within the state.

Among the Muslim political movements, Hizb al-Tahrir has shown more resilience as it continues to influence young Muslims and political thinkers in Pakistan as well.

Abu'l Kalam Azad (1888 -1958)

Like Rashid Rida, Abu'l Kalam Azad, foremost among the leaders of *Khilafat* Movement in India, also witnessed the fall of the Ottoman caliphate. His *Mas'ala khilafat*,¹⁷ also appeared before the abolition of the Ottoman caliphate, but unlike Rashid Rida, Azad did not support modern republican form of state. Contrary to the Arab nationalists, he supported the Ottomans, and developed a thorough critique of the classical theory particularly with reference to the qualification of Quraysh descent.¹⁸

Azad explained that the idea of restricting caliphate to the descent of a particular tribe or family goes against the teachings of Islam. He offers a detailed criticism of the sayings attributed to the Prophet on this point. His main observation is that, even accepted as sound statements, they are not prescriptive. They are either statements of fact or predictions. He analysed in detail the Hadiths (e.g. “the masses follow the Quraysh”, and “there will be twelve Amirs, all from the Quraysh”) reported in Bukhari and Muslim and concluded that they are not prescriptive. They are general statements about the position of the Quraysh among the Arab tribes. These and other hadiths, in fact are conditional stressing the fact that the Quraysh will be able to wield political authority as long as they are just. Azad also questioned the claim that all scholars had unanimously accepted this hadith. He argues that this general statement came to be accepted as hadith because for several centuries the caliphs belonged to the Quraysh tribe. The fact that Muslim jurists and theologians have been defending this as a qualification for a caliph suggests that this prescription remained disputed among Muslims.

¹⁷ This book is based on the Presidential address delivered in Calcutta at the Khilafat Conference in 1920. It was published in the same year in the newly founded Urdu type printing press in Calcutta in 1920 with the title *Mas'ala Khilafat awr jazirat al-'Arab*. See Khaliq Anjum, *Mawlana Abul Kalam Azad, shakhsiyat awr karnama* (Lahore: Tayyib Publishers, 2005), 41, 395.

¹⁸ Abu'l Kalam Azad, *Mas'ala Khilafat* (Lahore: Khayaban Irfan, n.d.), 89-111.

To conclude this section, it is important to observe that with the abolition of the caliphate, almost all political thinkers, including al-Nabhani, have revised the classical theory; some adding modern concepts and others like Azad and Abd al-Raziq revisited basic elements in the classical theory. It was probably in Pakistan that the classical theory came under a long and detailed examination.

Islam and Democracy in Pakistan

Debates on Islam and democracy in Pakistan began quite early in the constituent assembly where several members opposed the idea of a religious state. Liaquat Ali Khan, the then Prime Minister of Pakistan, clarified that state would not be a theocracy and that the future constitution of Pakistan would not be modeled on European pattern, but on the ideology and democratic faith of Islam. However, the controversy was so crucial that Pakistan could not have a constitution until 1956. In the meanwhile, the Constituent Assembly adopted a resolution about the fundamental principles of the constitution, called 'Objectives Resolution' on March 12, 1949. It was moved by Liaquat Ali Khan, who celebrated the passing of this resolution as "the most important occasion in the life of this country, next in importance only to the achievement of independence"¹⁹.

It is an important resolution as a compromise between contesting views on Islam and democracy. I will analyse this resolution at the end of this section. Presently, it is necessary to stress its significance in the constitutional development.

The Constitution Assembly set up a number of committees to draw the future constitution on the basis of the principles given in the Objectives Resolution. The Basic Principles Committee, set up on March 12, 1949, presented an interim report to the Legislative Assembly in 1950.

Representatives of East Pakistan raised objections against their unequal representation in the Central Legislature and against Urdu being declared as the only national language of Pakistan.

Liaquat Ali Khan postponed the deliberation of the Constituent Assembly and called forth general comments and suggestions by the public on the report. Based on examination of a large number of public proposals and suggestions, a report was presented to the National Assembly on December 22, 1952.

This Report, among other things, prescribed that the head of the state was to be a Muslim, elected by a joint session with the majority vote of the Central Legislature for a period of five years. The Prime Minister was to be appointed by the head of the state. The Central Legislature was to consist of

¹⁹ *Story of Pakistan*, (accessed on January 13, 2011),
<http://www.storyofpakistan.com/articletext.asp?artid=A054&Pg=2>

two houses: the House of Units with 120 members and the House of People with 400 members. There were to be three lists of subjects for the division of power between the Federation and the Units. Adult franchise was introduced. The judiciary was to be headed by the Supreme Court of Pakistan consisting of a Chief Justice and two to six other judges. The Chief Justice was to be appointed by the head of state. There was to be a High Court for each of the units of East Pakistan, Punjab, Sind Baluchistan and the North-West Frontier Province (NWFP) [name as Khyber Pakhtunkhwa]. A Board of Ulama was to be set up by the head of state and provincial governors. The Board of Ulama was to examine the law making process to ensure that no law was passed that went against the principles of the Qur'an and Sunnah. The Objectives Resolution was adopted as a preamble to the proposed constitution.

The report seems to be greatly influenced by the views of the religious groups and apparently had borrowed heavily from the twenty points guidelines for the constitution for Pakistan suggested by a convention of 31 Ulama held in Karachi under the leadership of Sayyid Sulayman Nadwi on 21-24 Jan. 1951²⁰. The Ulama stressed rule of law, equality before law, and freedom of religion. They insisted that head of state would be Muslim but his authority will be subject to the constitution. Regarding constitutional framework the Ulama proposed that the state ideology on objectives and principles should be founded upon the Islamic code of life. The true ruler is God who is the Creator and Lawgiver. The law of the country will be based on the Qur'an and Sunnah and no principle and administrative law contrary to the Qur'an and Sunnah would be legislated. No interpretation of the constitution that is contrary to the Qur'an and Sunnah would be considered justified.

The report was severely criticised in the Assembly and caused a serious deadlock in making of the constitution.

Finally, after a long debate of nine years, the Assembly adopted the first constitution in 1956. Its Islamic character was the main feature. Accordingly, the president was required to be a Muslim. An organisation for Islamic research would be set up to establish a true Islamic society. The Objectives Resolution was added as the preamble of the Constitution. This short lived first constitution was followed by two more in 1962 and 1969 before the current 1973 constitution which has been repeatedly amended 19 times often with reference to the issues of Islam and democracy. The Objectives Resolution became a part of the constitution of Pakistan in 1985 under the Eighth Amendment.

These constitutional developments reflect on the one hand the continued relevance of the classical theory for the religious groups and the need for revisiting this theory by other Muslim thinkers after the abolition of

²⁰ Council of Islamic Ideology Islamabad, "Nifadh-e Islam ke liye Pakistan ke Ulama ke mutafaqa ba'is nukat", *Ijtihad*, issue no. 5 (May 2009): 106-7.

the Ottoman caliphate on the other. For a meaningful discussion on Islam and modernity in Pakistan it is necessary to situate it in as continuous with Iqbal's analysis of the classical theory and his views on the Ottoman caliphate.

Muhammad Iqbal (1876-1938)

Muhammad Iqbal is one of the few Muslim thinkers who supported the abolition of the caliphate in 1924 and termed the Turkish change as an *Ijtihad* in modern times. He did not support the *Khilafat* Movement in India. In his long poem *Tulu' Islam* (the rise of Islam) presented in a public meeting in Lahore on 30 March 1923²¹, he welcomed the political changes under Ataturk as a renaissance of Islam. He compared the Ottoman caliph with the stars who had to be obliterated before the dawn could break. Next year, on 13 December 1924, a few months after the abolition of the caliphate, Iqbal read a paper in a public meeting at the Islamia College Lahore²² in which he supported the Turkish Grand Assembly's act of abolishing the caliphate saying, "Personally I believe that 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"²³. He explained, "Let us see how the Grand National Assembly has exercised this power of *Ijtihad* in regard to the institution of *Khilafat*.... The first question that arises in this connection is this –Should the caliphate be vested in a single person? Turkey's *Ijtihad* is that according to the spirit of Islam the caliphate or Imamate can be vested in a body of persons, or an elected Assembly"²⁴.

Dealing in detail with the changing concepts of the caliphate, Iqbal discussed three issues relating to the modern state: (1) state and the form of government, (2) Islam and nationalism or nation state, and (3) secularism. Iqbal was convinced that political sovereignty was invested with the Muslim Umma. The foundation of the law making in Islam was laid down on the principle of *Ijma'a*, the consensus of the majority of Umma.

²¹ It was an annual meeting of the Anjuman Himayat Islam, Lahore, where Iqbal read this poem. The poem struck a very emotional popular response. See Jawed Iqbal, *Zinda Rud* (Lahore: Shaykh Ghulam Ali, 1983), 277. The poem is included in Iqbal, *Bangi Dara, Kulliyati Iqbal* (Lahore: Shaykh Ghulam Ali, 1975).

²² This lecture formed a part of a series of lectures later delivered in Madras and Aligarh during 1928-1930. The Oxford University Press published these lectures in 1934 with the title *The Reconstruction of Religious Thought in Islam*. The lecture al-Ijtihad fi'l Islam constitutes the sixth chapter entitled "The Principle of Movement in the Structure of Islam". This paper refers to the following edition: M. Saeed Sheikh, ed., *The Reconstruction of Religious Thought in Islam: Muhammad Iqbal* (Lahore: Institute of Islamic Culture, 1986), hereon referred to as Iqbal 1986.

²³ Iqbal 1986, 124-125.

²⁴ Ibid., 124.

In a paper “Islam and the Islamic Caliphate” written in 1908, he argued that the political sovereignty belonged to the Muslim people, not to a specific individual²⁵. In another paper “Islam as an Ethical and a Political Ideal”, he had concluded, “Democracy, then, was the most important aspect of Islam as a political ideal”²⁶. His support for Turkish republicanism was the result of a long and continued deliberation of the issue.

Iqbal believed that universal caliphate was no longer possible. He developed his argument by analyzing the Islamic political theories of *Khilafat*. He found that the Muslim thought held three different views on universal caliphate. The Khawarij did not consider *Khilafat* as a universal institution. In fact they believed that there was no need for such an institution. The Mu‘tazila accepted universal caliphate as a matter of expediency only. The majority of the Sunnis believed that universal caliphate was a religious necessity. The Shi‘a believed in the divine nature of Imamate²⁷. In Iqbal’s view modern Turkey had shifted to the view of the Mu‘tazila²⁸. He summed up the Turkish argument as follows:

-- [O]ur past political experience ... 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 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 organisation of modern Islam. Far from serving any useful purpose it has really stood in the way of a reunion of independent Muslim States. ...And all these ruptures in Islam for the sake of a mere symbol of power, which departed long ago²⁹.

Iqbal explained further that Secularism in Turkey did not mean abandoning Islam. It was so understood because it was seen in the European framework of the separation of Church and State. The idea of separation of Church and State is not alien to Islam. The difference between the European and Islamic framework of separation is that in Islam it is a division of functions, while in Europe it signified metaphysical dualism of the material and spiritual worlds as opposed to Islam that³⁰ from the very beginning was a

²⁵ Iqbal, *Khilafat Islamiyya*, trans., Ch Muhammad Husayn, in Sayyid Abdul Wahid Muini, *Maqalat Iqbal* (Lahore: Sh. Muhammad Ashraf, 1963), 88.

²⁶ Iqbal, *Islam as an Ethical and a Political Ideal*, ed. S Y Hashimi (Lahore: Islamic Book Service, 1977), 103, hereon referred to as Iqbal 1977.

²⁷ Iqbal 1986, 125.

²⁸ Ibid., 125.

²⁹ Ibid., 125.

³⁰ Iqbal 1976, 47-48.

civil society with laws civil in their nature though believed to be revelation in origin³¹.

He argued that for centuries the Caliph was required to be from the tribe of the Quraysh. This stipulation was justified with reference to a Hadith. This stipulation remained unchangeable for several centuries. This requirement was later disregarded by non-Quraysh caliphs, e.g., when the Ottomans came to power.

Khalifa Abdul Hakim (1896-1959)

While Iqbal considered democracy as the essential feature of Islamic polity and criticised democracy in the West for not living up to its ideal, *Khalifa Abdul Hakim*³² (1987) observed that no clear definition of democracy existed in the West³³. Early Greek philosophers, like Socrates, Plato and Aristotle, regarded democracy irrational, unnatural and disgraceful. Aristotle considered the concept of equality of all human beings as unnatural; some of them were born slaves. Plato believed that only the elite could rule; only a philosopher King is an ideal ruler. Looking at European history also we find democracy problematic. The Magna Carta is claimed to be the starting point for democracy in Europe, but it was in fact the product of negotiations between the king and the landed aristocracy, not governed by the principle of liberty and equality.

Until the twentieth century, it was aristocracy which ruled in the name of the people. Consequently, during the twentieth century democracy in Europe produced Nazism in Germany and Fascism in Italy. In both systems, the majority suppressed the minorities. Abdul Hakim finds it difficult to define democracy in the European historical context.

Democracy is problematic to define in the Muslim world as well. The various terms used to translate the idea have semantic fields that do not correspond with the idea of democracy. The word *Jamhur*, origin of the term *Jumhuriyat*, for instance, means majority. Traditional terms like *Khalifa*, *Amir*, *Sultan* and other terms do not convey a sense of democracy. In Islamic

³¹ Iqbal 1986, 123; Ibid., 48.

³² Khalifa Abdul Hakim received his doctorate in Philosophy from Heidelberg University, Germany. Having retired as Professor and Chairman, Department of Philosophy, Usmania University, Hyderabad, India, he was appointed Director, Institute of Islamic Culture, Lahore in 1950 and held that position till his death. In addition to Urdu translations of *Histories of Philosophy* by Weber and Hoffdings, and William James's *Varieties of Religious Experience*, his principal works include *The Metaphysics of Rumi*, *Islamic Ideology*, *Islam and Communism*, and *Prophet Muhammad and his Mission*.

³³ Khalifa Abdul- Hakim, *The Prophet and his Message* (Lahore: Institute of Islamic Culture, 1987).

thought there is no idea of the sovereignty of the people. The political theorists regarded *Khalifa* as a deputy of God.

Khalifa concludes that the parliamentary form of government is un-Islamic because it gives undue significance to political parties. Shura cannot be assigned as a right to illiterate masses. Democracy, Hakim concludes, is compatible with Islam because according to the Qur'an all men are created equal.

Sayyid Abul A'ala Maududi (1903-1979)

Sayyid Maududi's views on Islamic state and democracy were quite distinctive and they have enormously influenced the religious political thought in Pakistan but both right and left religious groups misunderstood them. According to Sayyid Maududi, Islam necessitates the establishment of an Islamic state. He believed that "democracy begins in Islam"³⁴, but Islamic democracy is the antithesis of Western democracy. Islamic state is a "Theo-democracy"³⁵, because it is founded on the principles of 'oneness of God', 'Prophethood' and 'caliphate'³⁶. In Islamic democracy sovereignty belongs to God but in secular democracy sovereignty rests with the state and is transferred to the people³⁷. Maududi believed that the sovereignty of God (*hakimiyya*) and the sovereignty of the people are mutually exclusive³⁸. In his thought, sovereignty of God is derived from the belief in One God, a belief that liberates humanity from slavery to humans. The sovereignty of God as legislator establishes the supremacy and rule of law. The "sphere of activity" covered by the Islamic state would be "co-extensive with human life ... In such a state no one can regard any field of his affairs as personal and private"³⁹. Shari'a is a complete system embracing all the various departments of life ... nothing is superfluous and nothing lacking⁴⁰. Consequently, the function of Islamic state, "is really that of law-finding, not of law-making"⁴¹.

³⁴ Maududi, *Islamic Law*, 57.

³⁵ S. Abul A'ala Maududi, *Islamic Law and Its Introduction* (Lahore: Islamic Publications, Ltd, 1955), 13-4.

³⁶ Ibid., 13-4, Abu al-A'la al-Maududi, "Political Theory of Islam," in *Islam: Its Meaning and Message*, ed. Khurshid Ahmad (London: Islamic Council of Europe, 1976), 159-61.

³⁷ Maududi, *Islamic Law*, 77.

³⁸ Ibid., 154.

³⁹ Abu al-A'la al-Maududi, *Islamic Way of Life* (Delhi: Markazi Maktaba Islami, 1967), 40.

⁴⁰ John L. Esposito and James P. Piscatory, "Democratisation and Islam," *Middle East Journal*, vol 45, no. 3 (Summer 1991): 436-7, 440.

⁴¹ John L. Esposito, *The Islamic Threat*, (Yew York: Oxford Universty Press, 1992), 125-6; John O. Voll and John L. Esposito, *Islam and Democracy* (York: Oxford Universty Press, 1996), 23-6.

Qari Tayyib (1897- 1983)

Qari Tayyib⁴² is considered the ideologue of the Deoband school of thought in India. Jam'iyyat Ulama Islam, one of the major religious political parties in Pakistan, belongs to this school. Qari Tayyib expounded his theory of state and government in his book *Fitri Hukumat* (Natural State)⁴³. He explains the state on the analogy of Nature, which to him symbolizes Divine kingdom, and which is the best example of a balanced system. The government on earth is *Khilafat* (deputy of God), which establishes a system of government on the pattern of the Divine natural state. The Islamic caliphate is distinct from all other systems because in these systems humans assume the Divine authority. Islamic government differs from other systems because it is based on the principle that God alone is the legislator. The ruler is bound to consult and is bound to abide by the consultation. What is referred to as the majority does not constitute a binding advice; it is decisive only when opinions are divided. *Khilafat* does not work for material objectives. *Khilafat* system does not allow party system.

According to Qari Tayyib, Islam combines autocracy and democracy: government without Shura is tyranny and dictatorship, and Shura without Amir is anarchy⁴⁴. Shura, in his theory, does not mean majority because majority opinion has no legal (*shar'i*) value and because the minority of trustworthy and honest people is preferable. "It is only the opinion of the Ulama that counts because they have a taste for law and are well versed in legal theory; opinions of the ordinary people, even consensus, have no value⁴⁵.

⁴² Qari Tayyib was a grandson of Mawlana Nanautawi, the founder of the well-known Deoband seminary in India. Born in 1897, he studied at Darul Ulum Deoband. After graduation he started teaching in Darul Ulum. In 1924 he was appointed pro-vice-chancellor of the Darul Ulum and in 1929, vice chancellor. He was a very popular speaker and educationist. He took interest in philosophical issues and modernity. Some of his popular works include the following: *Attashabbub fi'l-Islam*, *Mashahir-e Ummat*, *Kalimat-e Tayyibat*, *Atyabus-Thamar fi Mas'alatil-Qaza wal-Qadar*, *Science Aur Islam*, *Ta'limat-e Islam Aur Masibi Aqwam*, *Mas'ala-e Zuban-e Urdu Hindustan Men*, *Din-o-Siyasat*, *Asbab-e Urooj-o Zawal-e Aqwam*, *Islami Azadi ka Mukammal Program*, *Al-Ijtihad wal-Taqlid*, *Usool-e Da'wat-e Islam*, *Islami Masawat*, *Tafsir-e Sura-e Fil*, *Fitri Hukumat*, etc.

⁴³ Qari Tayyib, *Fitri Hukumat*, (Lahore: Idara Islamiyyat, 1963).

⁴⁴ Ibid., 220.

⁴⁵ Ibid., 219.

*Amin Ahsan Islahi (1904-1997)*⁴⁶

Amin Ahsan Islahi's book *Islami Riyasat* (1977) provides an insight into his political thought. To him, an Islamic state does not differ much from an ordinary state in its formal and material structure⁴⁷; it differs in principles and objectives. *Khilafat* means complete equality. He, however, considers both parliamentary and presidential systems un-Islamic. Defining sovereignty, Islahi distinguishes between the Legislative and Creative aspects of the sovereignty of God; the Muslim ruler is only the executor of His legislative sovereignty.

“Islamic state is not a democratic nation-state in which every inhabitant in the country is assumed to be a partner in the sovereignty. It is rather an ideological state in which only those who believe in Islam and abide by the Islamic code of life are responsible for the formation and administration of the state. sovereignty does not belong to ordinary Muslim people⁴⁸.

Explaining the form of government, Islahi takes a pragmatic view. In Islam the role of Shura is fixed and defined and the Amir is bound by the decision of the majority. However, in early Islam ... the Shura system was very simple. Today, the situation is different. Hence we may opt for the modern method of elections with necessary modifications. We may also develop necessary regulations to define the relationships between the Amir and the Shura. It will not be against the view of Islam⁴⁹.

⁴⁶ Born in 1904 at Bhamhur, a village in Azamgarh, UP, India, Amin Ahsan Islahi was an eminent Islamic scholar of the Qur'an. A student of Hamiduddin Farahi, Islahi was appointed a principal of Madrasah Al-Islah, in India. He wrote monumental nine volumes Urdu Tafsir, *Tadabbur-i-Qur'an*. Like many of his scholarly contemporaries, the Indian freedom movement also influenced Islahi and, for some time, he acted as the president of the local Congress party. Freedom of India, and by implication of the Muslims, from the British imperialism, was of paramount importance to him, as it indeed was in the eyes of other Ulama. In the early 1930s, when Mawlana Maududi called for the formation of an Islamic party dedicated to presenting and projecting Islam as a complete way of life and founded Jama'at-e-Islami in 1941 Islahi was one of its founding members. In the Jama'at, Islahi occupied a position, second only to Maududi. Islahi actively worked in the election campaigns of the Jama'at, but his heart was never in politics. He left the Jama'at in 1958 over some policy differences. He considered electioneering a useless exercise for the purposes of bringing about an Islamic change. According to him the politicians cannot establish Islam: their sole aim is to gain power, by whatsoever means possible. In his view, the Pakistani society was a broken and disintegrated one, afflicted with a most dangerous malaise: hypocrisy. As such he differed with the view that if free and fair elections were held the masses would vote for Islam and Islamic parties. In 1956, the government of Pakistan appointed Mawlana Islahi a member of the Islamic Law Commission, which was abolished in 1958.

⁴⁷ Amin Ahsan Islahi, *Islami Riyasat*, (Lahore: Anjuman Khuddamul Qur'an, 1977).

⁴⁸ Ibid., 21.

⁴⁹ Ibid., 38.

Dr Israr Ahmad (1932-2010)

Dr Israr Ahmad⁵⁰ calls for the revival of the caliphate. The real caliphate, according to him, ended with the period of the first four caliphs; since then it has been monarchy (*Mulukiyya*).⁵¹

Dr Israr describes the following as elements of the concept of *Khilafa*; (1) Sovereignty of God, man is God's deputy on earth, (2) authority of the masses, the whole mankind is deputy of God but only Muslims qualify for caliphate, (3) *Khilafat* is no longer individual and personal; only the Prophets were personal deputies. The Qur'an does not provide any political or economic structure; it gives only some principles and some rules⁵². He prefers the presidential system but holds that any political system can be transformed into caliphate by introducing the following three principles: Sovereignty of God, prohibition of legislation which is repugnant to the Qur'an and Sunnah, and pure Muslim nationalism in which non-Muslims are a protected minority.

"The Qur'an does not clarify any specific method of appointing a caliph. We can choose the best feasible method in accordance with our cultural conditions and social evolution⁵³. Thus the method of voting and election may be adopted⁵⁴.

To conclude this section, Muslim thinking on this subject is neither classical nor monolithic. The struggle for independence and nation states has enabled Muslims to internalize such modern ideas as state, rule of law, democracy, division of powers between executive, constitution, judiciary and legislature, and elections. The interdependence of state and Shari'a on each other and the framework of sovereignty for the justification of political authority in Islam are very basic to the Islamist thought. The terms *Hukm* and *Hakim* are very complex in Islamic legal and political theories. The commentators on the Qur'anic use of the term never fail to stress the complexity of the term. Very early in Islam, misunderstanding of the term led to violence and rebellion. The Khawarij were the first to invoke this term during Takhim when they rebelled against the Caliph Ali. Ali called attention to this ambiguous and erroneous use of the term. Several critics like Abd al-

⁵⁰ Dr, Israr Ahmad was associated with Jama'at Islami until 1957 when he founded his own Tanzim Islami in Lahore, Pakistan. He says that he was greatly influenced by Hizb al-Tahrir.

⁵¹ Israr Ahmad, *Khutbat i khilafat*, (Lahore: Markazi Anjuman Khuddam al-Qur'an, 1996).

⁵² Ibid., 84.

⁵³ Ibid., 97.

⁵⁴ Ibid., 98.

Hamid Mutawalli⁵⁵, Muhammad 'Imarah⁵⁶ and Abdalwahab Meddeb⁵⁷ have pointed to the ambiguity between political and theological concepts of sovereignty in Sayyid Maududi's theory of Hakimiyya. Mostly, the controversy about the sovereignty of God among the right and left religious thinkers is obsessed with the question of who represents God. Sayyid Maududi's stress on rule of law and constitutionalism is missed both by the right and lefts religious thinkers. The right interpreters consider the Ulama to be God's representative, the extreme right justifies violence and terrorism to establish this sovereignty while the left understand Maududi opposed to democracy.

The Objectives Resolution, as a compromise illustrates this tension but offers a solution. The following paragraph in this resolution settles the controversy by providing that Sovereign God delegated his authority to the state through the people. Secondly, it defines the Qur'an and Sunnah as sources of Islam and Shari'a and that no legislation shall be repugnant to the two.

Whereas sovereignty over the entire universe belongs to Allah Almighty alone and the authority which He has delegated to the State of Pakistan, through its people for being exercised within the limits prescribed by Him, is a sacred trust;

This Constituent Assembly representing the people of Pakistan resolves to frame a Constitution for the sovereign independent State of Pakistan;

Wherein the State shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Qur'an and the Sunnah;

Analysis and Conclusion

The issue whether democracy and Islam are compatible has been studied from various perspectives: form of state, citizenship, basic rights, selection of rulers, rule of law, participation of the people, balance of power, constitutional laws, justice, freedom and equality. There is no dearth of literature claiming that Islamic political thought provided for all these democratic concepts and that

⁵⁵ Abd al-Hamid Mutawalli, *Mabadi Nizam Al-hukm fi'l-Islam* (Alexandria: Al-Ma'arif, 1978), 165-168.

⁵⁶ Muhammad Imarah, *Al-Islam wa'l-Sultat al-Diniyya* (Beirut: Al-Mu'assasa al-Arabiyya, 1980), 45-95.

⁵⁷ Meddeb, Abdelwahab, *The Malady of Islam* (New York: Basic Books, 2003), 102.

Muslim polities fared better than others on these counts. These claims should not be dismissed as apologetic because they suggest the ownership of these ideas in Muslim societies, at the least by the authors of these volumes. Critics have usually confused the issue by exploring this question in a framework that compares Muslim thought and practice with Western forms of democracy, making the latter as the standard. The Muslim critics of democracy are also obsessed with dichotomizing Islam and democracy, defining the latter as Western.

In Muslim thought the issue of Islam and democracy is debated mostly with reference to sovereignty. Sovereignty belongs to God alone. The complex question is who represents God? How is this sovereignty exercised? The question is answered in a twofold formula. Sovereignty of God is expressed through Shari'a because God reveals it. Since only the experts in Islamic tradition can properly interpret Shari'a, they alone can represent the sovereignty of God.

As mentioned above, the Khawarij in opposition to Caliph Ali raised the slogan: *Hukm* only belongs to God, claiming that only the Qur'an can judge, not the humans. Replying to the Khawarij, Caliph Ali explained that the slogan's wording was pious but the intentions were wrong. One can understand Ali's explanation when one looks at the history of Khawarij. They were extremely pious people in their personal life, but in their political life they resorted to intolerance and violence. Mainly, because they confused the idea of *Hukm* and could not distinguish between the political sovereignty of a state and the cosmological divine sovereignty. The same slogan is raised by some Muslim political groups today by broadening the meaning of *Hukm* to sovereignty.

The crucial question for the political theorists in Islam has been who represents God, or who wields authority on His behalf. In the absence of a church and institutionalized religious authority in Islam, modern political theorists have found the concepts of *Ijma'a* and Shura as the best grounds to build modern democratic institutions. The rightist religious trends tend to shift this role from Umma to the elite and experts in Shari'a. Consequently, the religious groups are often placed in an awkward position of supporting undemocratic regimes and posing the Shari'a against the constitution, democracy and the parliament. The Objectives Resolution to which Pakistani people and almost all political parties have been in agreement with could be the basis for building further consensus but the religious groups are frequently found to take non-negotiable positions. ■

ISLAM AND STATE: GOOD GOVERNANCE DURING EARLY ISLAM IN RELEVANCE TO PAKISTAN

Dr Imtiaz H. Bokhari

Pakistan is going through a severe ‘crisis of governance’ with no signs of any abatement whatsoever. One calls a situation as ‘crisis’¹ when it overwhelms the system itself and poses a threat to its very survival, if not addressed. ‘Crisis’ evokes a sense of urgency in terms of response as well as the severity of consequences. But Pakistan is so crisis-ridden a state that its people have become numb and their responses have deadened and they are unable to see the writing on the wall. Perhaps, they don’t even see the wall itself.

Governance and Good Governance

As a concept, “governance” implies how decision-makers exercise political power to manage the affairs of the state. ‘Governance’ comprises decision-making processes and institutional structures to turn those decisions into policies and policies into plans for execution and implementation. Simply stated, government is the authority and governance the mechanism or the process which translates policy into delivery of service to the people.

‘Good governance’, however, is not just governance that works efficiently but is one that works towards just and socially beneficial ends. Among many, some of the attributes of good governance include: a) it is participatory, transparent, and accountable; b) it is effective in making the best use of available resources; and c) it is equitable and promotes the rule of law. Mr Shamsul Haque, Minister and Chairman, Public Administrative Reforms Commission, Bangladesh, gives the elements of good governance as: “political pluralism, rule of law, capping corruption, participatory process of decision-making, accountability, transparency, efficiency, involvement of private sector and civil society in development process.”² Another writer, Mr Ibrahim Ida, Permanent Secretary, National Council of Nigerian Vision, has tabulated the following attributes of good governance:

¹ For more detailed discussion of the term ‘crisis’, see Imtiaz H. Bokhari, *Management of Third World Crises in Adverse Partnership: Theory and Practice* (Karachi: Oxford University Press, 1997), Chapter I.

² A.T.M. Shamsul Haque, “Public Administration Reforms: A Case Study of Bangladesh”, in *Report of the Conference on Good Governance and Institutional Reforms* (Islamabad: Government of Pakistan, Planning and Development Division, 1999), 171.

- Defends and upholds the principles and practices of democracy.
- Respects fundamental human rights, the rule of law, and due process.
- Cherishes and promotes unity in diversity.
- Emphasises national identity and recognizes merit rather than ethnicity, favoritism and patronage.
- Rewards merit and excellence.
- Promotes cooperation and social cohesion thereby engendering a sense of belonging among the people.
- Enforces accountability based on popular sovereignty and public choice.
- Ensures popular participation in decision making based on political and social pluralism.
- Gives freedom of association and expression.³

These two writings give a fairly good idea as to the attributes or elements of good governance in the current literature on the subject. During the last couple of decades, Pakistan has been urged to look at and learn from Western literature on good governance to bring about improvements in its systems. As a small contribution towards that end, this paper suggests a new paradigm and describes the state of good governance during the early period of Islam presenting it as a model to learn from.

Similarities between the State of Madinah and Pakistan

Although nearly fourteen centuries separate the founding of Madinah as a city-state and Pakistan as a sovereign state, yet there are interesting similarities between the two. Before the arrival of the Prophet (pbuh) in Madinah, the name of the city was Yathrib but afterwards “the ancient name of the city was changed to *Madinat un-Nabi*, ‘the City of the Prophet’, or shortly, Madinah, which name it has borne ever since.”⁴ It is also known as ‘Madinah Munawwara’. At the time of the Prophet’s migration, the city was inhabited by eleven Jewish tribes⁵ and also had some Christians and non-believers. It had a tribal society without any central authority.

At the time of independence, Pakistan too comprised of thirteen heterogeneous political entities with distinct cultures, languages and traditions

³ Ibrahim Mohammad Iba, “Public Sector Reforms and Good Governance,” Ibid., 303-304.

⁴ Ameer Ali, *A Short History of the Saracens* (London: Macmillan & Co Ltd, 1955), 11.

⁵ Akram Zia al-Umri, *Madani Muashra*, trans., Azra Nasim Faruki (Islamabad: Islamia Research Institute, 2005), 67-70.

which had to be welded into a nation. Pakistan, like Madinah, also lacked a central authority which had to be put in place from scratch.

Both Madinah and Pakistan saw a deluge of refugees at the time of their founding. Although in absolute numbers, the two cannot be compared, yet, when compared to the Muslim population of Madinah, the extent and severity of the problem may not look so markedly different.

Madinah and Pakistan being new states, both needed an agreed basic document to run the affairs of the state. That document had also to spell out the mechanism by which different entities would relate with one another and would also spell out their duties and obligations to one another. Simply stated, both needed a constitution.

Madinah: Good Governance Exemplified

Similarities between Madinah and Pakistan are indeed few and perhaps superficial but differences are many and profound. Good governance during early Islam remains a model, not only for Pakistan but for the world to emulate, both in theory and practice.

Dealing with theory first, we have two documents of singular importance. First, the Covenant of Madinah or *Meesaq-e-Madinah* which emerged as almost a consensus document and dealt with the structure of the state at the macro level; and second, the letter written by Hazrat Ali, the fourth caliph, to Malik-e-Ashtar, Governor-designate of Egypt, telling him how to manage the affairs of the state in accordance with the rules of good governance. It is a fairly long letter providing adequate guidance to the rulers on almost every aspect of state administration. In addition, there are written as well as verbal instructions by the Prophet (pbuh) and three succeeding Pious Caliphs but those were fragmentary and brief usually dealing with a particular issue.

Hazrat Ali's letter is a fairly comprehensive treatise on state administration and remains relevant even today. In Pakistan, it is issued to every civil servant who comes for training to the Civil Service Academy. Both of these documents will be reviewed briefly.

Covenant of Madinah

After settling the more pressing problem of migrants from Mecca, the Prophet (pbuh) called a meeting of the representatives of the tribes of Madinah. In the meeting, he proposed to them to forget old animosities and settle the tribal feuds standing in the way of peace. An overwhelming majority of those present responded positively to the proposal. An almost consensus document outlining the terms and conditions of the future city-state of Madinah evolved

from this reconciliation. It is this covenant or treaty which Dr Hamidullah has aptly, and justifiably, termed as the first written constitution of the world.⁶

This covenant is revolutionary in many respects. It brought about profound socio-political change in Madinah. Before this treaty, the Bedouin loyalty and patriotism was “neither national nor territorial. It was loyalty to the tribe alone which mattered....”⁷ These tribes had been fighting with one another for many generations but this treaty changed it all as it gave rise to a political entity which was supra tribal--a state, even though a city-state. The tribes found it in their interest to bury the hatchet and work together both in peace and war. Along with this, peoples’ rights in and duties towards the new state were clearly spelled out.

The most important lesson which the framers of Pakistan’s constitution failed to learn was the manner in which the Prophet (pbuh) addressed the question of religious plurality in this newly-established state. One of the clauses clearly stated that religion of the Muslims [was a matter] for the Muslims and religion of the Jews [was a matter] for the Jewish people. What Quaid-i-Azam had said on this subject in his famous August 11, 1947 address is very similar to what is contained in the Covenant of Madinah and in all probability he was inspired by the Prophet (pbuh) himself.

The treaty stipulated that Muslims, Jews and others were to be equal members of this infant community and every member and every tribe was to be accorded equality. The word ‘equality’ occurs frequently in the text of the treaty. The freedom of religion is recognized and ‘the Jews of Banu Auf are declared one community with the Believers’. “In addressing them after the signing of the treaty the Prophet is stated to have said: ‘Your flesh is our flesh and your blood is our blood’.”⁸

⁶ Dr Muhammad Hamidullah, *Khutbat-e-Bahawalpur*, (Bahawalpur: Islamia University, 1981), 178. Dr Muhammad Hamidullah, *The First Written Constitution* (Lahore: Muhammad Ashraf & Sons). The author has made use of the English version provided by Afzal Iqbal, *Diplomacy in Islam* (Lahore: Institute of Islamic Culture, 1965), 14-18. It has 47 clauses/articles whereas an Urdu version published in biweekly *Dawat-e-Dehli*, Special Volume, *Sarwar-e-Alam*, Rabi-ul-Awal 1381 H, pp. 121-126 cited by Syed Ali Naqi al-Naqvi, *Tarikh-e-Islam* (Karachi: Mahfooz Book Agency, 2000), 151-155, gives only 35 clauses/articles. The author, al-Naqvi, has however clarified that he has included it in the book as it appeared in the special volume and has not compared it with the original Arabic text but he has expressed reservations about the Urdu translation; A. Guillaume, *The Life of Muhammad*, (London/New York: Oxford University Press, 1955), 231-233, gives an English version of the Covenant in long paragraphs without separating it into clauses as done by other writers.

⁷ Afzal Iqbal, *Diplomacy in Islam*, 19.

⁸ Ibid., 14.

At the time of its founding, the city-state of Madinah did not comprise the whole city but only a part of it but soon, not only it became a city-state in the true meaning of the term, but became the capital of the whole of Arabia spread over three million sq. kms. The conquest of this huge country was accomplished during the life time of the Prophet (pbuh) in just about a decade. What is worth a deeper reflection is the fact that during this whole ten-year long warfare, less than 250 people from the enemy side were killed--less than two persons per month.⁹ It demonstrates that even when fighting a war, Muslims were told to shed as little blood of the enemy as possible. One can call it good governance at its moral best. What a contrast when one compares it with what is happening in Pakistan and in the regions around it where tens of thousands of innocent men, women and children have lost their lives, not in fighting but in 'collateral damage'.

Though not a part of the Covenant of Madinah the Prophet (pbuh) granted a Charter to the monks of the Monastery of St. Catherine, near Mount Sinai which was applicable to all Christians, and this document is a monument of enlightened tolerance:

By it the Prophet secured to the Christians important privileges and immunities, and the Moslems were prohibited under severe penalties from violating and abusing what was therein ordered. In this charter, the Prophet undertook himself, and enjoined on his followers, to protect the Christians, to guard them from all injuries, and to defend their churches, and the residences of their priests. They were not to be unfairly taxed; no bishop was to be driven out of his bishopric; no Christian was to be forced to reject his religion; no monk was to be expelled from his monastery; nor were the Christian churches to be pulled down for the sake of building mosques or houses for the Moslems. Christian women married to Moslems were to enjoy their own religion, and not to be subjected to compulsion or annoyance of any kind on that account. If the Christians should stand in need of assistance for the repair of their churches or monasteries, or any other matter pertaining to their religion, the Moslems were to assist them.¹⁰

One can safely say that the instructions of this charter were millennia ahead of the times in which it was granted by the Prophet (pbuh).

⁹ Dr Hamidullah, *Khutbat-e-Bahawalpur*, 179.

¹⁰ Ameer Ali, *Short History*, 14-15.

Hazrat Ali's Treatise on State Administration

This treatise was written in the form of a letter addressed to Malik-e-Ashtar, Governor-designate of Egypt. The letter is contained in *Nahjul Balagha*,¹¹ a book which is a collection of Hazrat Ali's sermons, letters and sayings. The book contains 79 letters spread over 130 pages. The length of the letters varies from a few lines to a couple of pages except three letters which are longer. These are letter no. 28, five pages; letter no. 31, seventeen pages; and letter no. 53, addressed to Malik-e-Ashtar, is the longest and is nearly spread over twenty one pages.

Every letter included in the book gives some instructions or advice to the recipient on some specific issues, but the one written to Malik-e-Ashtar is somewhat unique as it gives him advice and/or instructions on almost every aspect of state administration. This treatise on state administration merits a detailed analysis of each and every instruction or advice but a conference paper has its own limitations. Issues covered in the letter have been briefly summed up in the book itself and are reproduced as follows:

This letter is a précis of the principles of administration and justice as dictated by Islam. It deals with the duties and obligations of rulers, their chief responsibilities, the question of priorities of rights and obligations, dispensation of justice; control over secretaries and subordinate staff; distribution of work and duties among the various branches of administration, their coordination with each other and cooperation with the centre. In it Hazrath Ali advises Malik to fight corruption and oppression amongst the officers; to control markets, and imports and exports; to curb the evils of profiteering and hoarding and of cornering and black-marketing. In it he has also explained the stages of the various classes of society, the duties of the Government towards the lowest classes (the poor and have-nots): how are they to be looked after and how are their conditions to be improved; the principle of equitable distribution of wealth and opportunities; orphans and their up-bringing, deformed, crippled and unfit-for-work persons and their maintenance, substitutes in lieu of homes for the aged and disabled. Then he discusses the Army as a profession. He lays great stress upon the honour and nobleness of volunteers who at the time of need offer their voluntary service to defend the Islamic State. Finally he comments upon the rights of the rulers over the ruled and of the ruled over the rulers.¹²

¹¹ Syed Mohammad Askari Jaffery, trans., *Nahjul Balagha, Sermons, Letters, Sayings of Hazrat Ali* (Karachi: Khorasan Islamic Centre, 1977), Letter no. 53, 491-511.

¹² *Nahjul Balagha*, 491-492.

Apart from what has been said above, the letter advises the Governor-designate on the mechanics of recruiting the right and deserving people for various posts and advises about those who should not be considered for employment. The letter lays stress on paying particular attention to the reputation of those being considered for employment. Hazrat Ali also warns him of the dangers the rulers face from flatterers who may gather around him and the damage they could do to him and to the state.

Although this letter was written fourteen hundred years ago, but as a treatise on state administration, it remains as valid today as it was then and will remain so in the future.

Early Islam: Good Governance in Practice

When one is discussing governance in early Islam, one needs to bear in mind that the Prophet (pbuh) did not inherit even a rudimentary functioning government and he had to start from scratch and had to devise one to meet specific needs. Not only that Madinah did not have a government but even worse that Madinah had a tribal society with all its attendant problems. So what started as an experiment in city government in Madinah soon transformed into a model of governance for the capital of the vast state of Arabia by the time the Prophet (pbuh) died in 632. Obviously the administrative needs of a city state and those of a very large country could not have been the same. So we find a gradual increase in the institutional arrangements for governance. By the time the Pious Caliphate came to end in year 661 (40 Hijra), the state had grown into an empire. In a short span of just forty years, the Muslims had defeated two powerful neighbouring empire -- the Persian and the Roman. As the state grew in size, so did the needs of governance. In spite of the rapid expansion of the state into an empire, the quality of governance was not allowed to suffer as will be seen in the discussion of individual attributes of good governance. It is easier to issue orders and instructions to others to follow but the test of a leader lies in his own subjection to those principles with even greater rigour than others.

Let us now turn to good governance in practice during early Islam. Maududi, one of the most distinguished scholars of the twentieth century on Islam, has given the attributes or characteristics of the Pious Caliphate in his book *Khilafat-o-Malukiyat* (*Khilafat and Kingship*).¹³ Those can be translated as follows:

1. Elected caliphate;
2. Consultative government;
3. Treats state revenues as a sacred trust;

¹³ Abul Ala Maududi, *Khilafat-o-Malukiyat* (Lahore: Islamic Publications Ltd., 1968), 83-102.

4. Governance;
5. Supremacy of law;
6. Governance above prejudices; and
7. Spirit of democracy. Perhaps 'accountability' has not been clearly and separately stated as an attribute although it was an important hallmark of governance of that period.

Interestingly, if we compare the attributes given by Mr Maududi with those in the current literature on good governance, one finds great similarity in these two vastly different sources (See Table 1). Certainly the role of civil society and Non-Governmental Organisations (NGOs) is conspicuous by its absence in Maududi because of its irrelevance in the period under discussion. During the subsequent discussion the period of the Prophet (pbuh) and of Pious Caliphs, spread over 1 – 40 Hijra (622-661) will be taken as one single whole.

Elective Caliphate

Maududi's first attribute, elective caliphate, is in spirit what in current literature is termed as elected head of government through an electoral process. The Prophet's (pbuh) right to leadership was ordained by Allah as His messenger and was beyond any expression of doubt by the Muslims. His conduct as a leader, both in peace and war, will ever remain a model of good governance for all to follow. Just two references would suffice. During the period of persecution of the Muslims in Mecca, a woman used to throw trash on the Prophet (pbuh). It so happened once that she did not appear on the scene to do her act. The Prophet was concerned that the woman might be unwell, so he called on her, enquired after her health and prayed for her recovery. His exemplary conduct during war is illustrated when he entered Mecca as a victor after suffering long at the hands of the Meccans which had resulted in the en masse migration of the Muslims to Madinah. But when the Prophet (pbuh) returned to Mecca as the leader of the triumphant army, not only that he forgave them himself but asked his followers to do the same. Not a drop of blood was shed in the victorious army's entry into a vanquished city.

At the time of his death, the Prophet (pbuh) neither nominated his successor nor defined the mechanism for selecting or electing his successor. Had he done that it might have set a precedent? Instead the community was left free to choose a leader in whatever manner they considered best. Ultimately that was done through a process of consultation and mutual agreement. The wisdom of this critical course lay in allowing different communities of people in different places to devise their own procedure for a change in government according to their peculiar traditions, ethos and cultures though within the confines of the faith. Currently, the democratic systems of

electing heads of state in the United States, Britain, France, Germany, etc. differ from each other but each one is meant to reflect the preference of the people. So in Islam, as long as a system reflects the wishes of the people, it is permissible.

Apparently, the task of choosing the Prophet's successor was left to the people themselves. After his death, Hazrat Umar proposed the name of the closest friend of the Prophet (pbuh), Hazrat Abu Bakr and took the oath of allegiance and urged others to do the same. Through the oath of allegiance, the people of Madinah, representative elite of the state of Arabia, 'cast their vote' to elect him as their caliph. At the time of Hazrat Abu Bakr's death, the same mechanism of election was not followed as he himself nominated Hazrat Umar and asked people to accept his choice which he said he had made after great deliberation.¹⁴ The people of Madinah accepted his nomination. In turn, Hazrat Umar established a committee of six eminent personalities of Madinah asking them to ascertain the wishes of the people regarding the probable candidates---Hazrat Ali, Hazrat Usman and Hazrat Saad bin Abi Waqas---and nominate one candidate. The committee in turn tasked one member, Abdur Rahman bin-Auf, to propose one name after due process of ascertaining the wishes of the people. He went around meeting people and even enquired from Hajj caravans and after this one-man 'Gallup poll' finally proposed the name of Hazrat Usman.¹⁵ Another method was evolved for choosing the fourth caliph. So one can say that no single method was ordained for choosing the head of government in Islam but the cardinal principle was that it should reflect the wishes of the majority of the people. It exhibits the spirit of modern democratic norms. This principle has been very well described by Dr Mumtaz, who commenting on the ouster of Bhutto's government by General Zia had said that he "had thus violated the fundamental norm of an Islamic political system that the people have 'the right to elect their rulers by the exercise of their free will and to replace them in a similar manner'"¹⁶

Consultative Government

God Almighty ordains his messenger to 'consult them (people) in the matters (of state)' (Sura Al-Imran – 159) and Hazrat Umar holds the view that there is 'no *Khilafat* without consultation',¹⁷ which implies that good governance can

¹⁴ Ibid., 84.

¹⁵ Ibid., 85.

¹⁶ Mumtaz Ahmad, "Islamic Fundamentalism in South Asia: The Jamaat-e-Islami and the Tablighi Jamaat", in *Fundamentalism Observed*, ed. Martin E. Marty and R. Scott Appleby (Chicago and London: The University of Chicago Press, 1991), 480, citing Maulana Maududi's speech in Lahore in 1978, published later in *Arabia: The Islamic World Review* (March 1984), 76.

¹⁷ Ibid., 70.(Maududi)

not be ensured without mutual consultation. This was the hallmark of the system of governance during the reign of the Prophet (pbuh) and of all the four Pious Caliphs. The style of governance during this entire forty year period was consultative, as distinct from autocratic.

Whenever an important matter of state came up before the Pious Caliphs, invariably they would first refer it to the Holy Book', and if it was silent on the issue, they would then look at the acts (Sunnah) and the sayings (Hadith) of the Prophet (pbuh). If there was no guidance on the subject, they would then call for a consultative committee consisting of eminent members of the society, who were close companions of the Prophet (pbuh) and debate the issue for as long as it was required. Only after a thorough discussion, in which every member was expected to speak and express opinion openly and freely, was a decision taken on that particular issue.

State Revenues as a Sacred Trust

During this period, state revenues were considered and held as a trust on behalf of God and the people. Therefore, unlawful money/revenue was neither collected nor unlawfully spent. Spending money from state revenues for personal needs was considered absolutely forbidden.

After becoming Caliph, Hazrat Abu Bakr was spotted by Hazrat Umar while selling cloth to meet his personal expenses. Hazrat Umar told him that you have plenty of work to do for the Muslim state and took him along to Hazrat Abu Ubaida, in-charge of the state treasury, and they decided that a caliph should be paid a stipend just enough to live the life of an average Muslim and fixed four thousand dirhams per annum as stipend for Hazrat Abu Bakr.¹⁸ Hazrat Abu Bakr returned this stipend to the treasury at the time of his death. Succeeding caliphs also continued to abide by this decision.

The Pious Caliphs clearly understood the difference between a king and a *Khalifa*. In their opinion, a king usurps national treasury and freely spends it without any restraint; whereas a *Khalifa* treats it as a trust on behalf of God and people and spends every penny of it as ordained by law. Hazrat Umar once asked an interesting question from Hazrat Salman Farsi: 'Am I a king and or a *Khalifa*?' Hazrat Salman Farsi answered back: 'If you collect even a dirham unlawfully or spend even a dirham unlawfully, you are a king, not a caliph.' Hazrat Ali not only maintained those strict standards of austerity and piety but perhaps made them even a bit more rigorous.

¹⁸ Ibid., 88-90.

Conception of Government¹⁹

In the present dispensation of democracy, political parties issue their 'manifestos' which provide information about aims, objectives, programmes and plans of the parties concerned. The caliphs did the same but in a different manner. They firmly believed that their governments were accountable to God and the people. On assumption of office, each one of them gave out his views from a pulpit telling the people what their duties and obligations were towards the people; and in turn, what were the duties and obligations of the people towards the state.

Hazrat Abu Bakr in his inaugural sermon told the people that he had been made the ruler although he was not the best among them. It was a great burden which he was required to carry although he did not have the strength to carry that, and he could hope to succeed only with the assistance of God. He also told them not to judge him at the level of the Prophet (pbuh). Apart from many things, he asked them to help him if he was on the right path; and to correct him if he went astray.

Similarly, Hazrat Umar in one of his sermons said: 'I am going to tell you what your rights are over me so that you can catch me. Your right is that I should not collect any money from you except that which is legal; and I will spend out of it in a way which is legal.' Hazrat Usman in his inaugural sermon said: 'After following the Book of God and the Sunnah of the Prophet (pbuh); I promise you three things; firstly, I will follow whatever you have decided through mutual consultations before my assumption of office; secondly, on matters which have not been decided before, I will consult you; and thirdly, I will hold my hand until it becomes obligatory for me to take action against you.' Similar sermons were also delivered by Hazrat Ali.

One practice was by and large followed by all the Pious Caliphs: whenever they appointed a governor, his letter of appointment giving out his duties and obligations towards the people was read out in public so that people knew their own rights and the governors their own limits. On one occasion during Hajj, Hazrat Umar collected all his governors and asked the people if any one had any complaint against any governor, he should speak up now. Only one person got up and complained against Umru bin al-Aas saying that he had unjustly given me a punishment of one hundred lashes. Hazrat Umar said to him to get up and take his revenge from Umru bin al-Aas. Umru bin al-Aas protested that such a precedence should not be set against the governors. Hazrat Umar did not agree with him and he was forced to buy off the complainant by paying him two hundred Ashrafis (a gold coin of that time). Justice was swift indeed. The proverb that 'justice delayed is justice denied' had not yet been coined.

¹⁹ Ibid., 91-95.

Supremacy of Law

During this period of Islamic history, the rulers—the caliphs—did not consider themselves above the law, unlike the rulers and the ruling elite in Pakistan who do believe they are above the law. They believed that a ruler and an ordinary citizen, whether Muslim or non-Muslim, were equal before law. Although justices were appointed by the caliphs in their capacity as rulers, but once appointed they were required to be as independent in their judgments even if it involved the caliph himself as in the case of an ordinary person. Maudoodi cites two incidents to prove that equality before law was not only rhetorical but in deed. Hazrat Umar and Hazrat Ubbi bin Kaab developed some difference and agreed to have Zaid bin Saabit as their arbiter. Both went to him but Zaid got up from his seat to offer it to Hazrat Umar out of respect for the caliph. But Hazrat Umar decided to sit next to Ubbi and have Zaid hear the case. Hazrat Ubbi presented his case which was rejected by Hazrat Umar. Hazrat Zaid in his capacity as the judge was required to have Hazrat Umar take oath, which he failed to get done. Hazrat Umar himself on his own took the oath. Hazrat Umar told Zaid that you can not do justice unless you treat Umar and a commoner as equals in the eyes of law.

In a similar incident Hazrat Ali saw his stolen shield being sold in Kufa market by a Christian. He did not try as *Ameer-ul-Momineen* or caliph, to take it back from him by using his authority. He went to the Qazi/judge but as he failed to produce witnesses in support of his claim, the judge gave a decision against him.²⁰

In upholding the rule of law, the Pious Caliphs did not distinguish between a friend or foe. When his own son, Abu Shehma was convicted on the charge of consuming liquor, Hazrat Umar himself executed the sentence of eighty lashes. When his brother in law, Qadamma bin Mazuun, was convicted of the same crime, Hazrat Umar had the punishment of eighty lashes carried out in public.²¹ There are many such instances which go to prove the supremacy of law during this period. These instances not only prove justice being done but the justice was seen to be done.

Government above Prejudices

During the early period of Islam, all people were treated equally in the true spirit of Islam without regard for tribal, racial, religious or national affiliations. Tribal societies, as was the case in Arabia, are known for holding strong prejudices and parochial tendencies. Hazrat Abu Bakr and Hazrat Umar did not appoint any one from their tribes on important positions in the state.

²⁰ Ibid., 95-96.

²¹ Shibli Naumani, *Al Farooq: Biography of Hazrat Umar* (Lahore: Shiekh Ghulam Ali & Sons, no date of publication), 228.

Hazrat Umar appointed one on an unimportant position but soon removed him lest it gave rise to the charges of nepotism. Hazrat Umar was genuinely worried about tribal parochialism raising its ugly head after his death. To guard against it, he individually cautioned the three probable candidates---Hazrat Ali, Hazrat Usman and Hazrat Saad bin Abi Waqas---for the post of *Khalifa* after his demise not to appoint any from their tribes on important state positions. He also left written advice for the next caliph against giving special preferences to his own tribe. Hazrat Usman, who succeeded Hazrat Umar, unfortunately could not maintain the required standard of impartiality and appointed large number of people from his tribe, Banu Umayyad, on important posts and granted them large sums of money from the treasury. This sowed the seeds of turning '*Khilafat*' into '*Malukiyat*'.²²

The Prophet (pbuh) and the Pious Caliphs treated Christians, Jews, Muslims and other non-believers strictly on the merit of the case, if there was a dispute between them and did not show any preference for the Muslims, as indicated earlier.

Spirit of Democracy²³

To permit unfettered criticism and ensure complete freedom of expression is the core of democratic norms. During the entire period of early Islam, both criticism and freedom of expression were taken as a right of the individual. Unlike the present times, a caliph was all the time available to the people to listen to their complaints and criticism. The caliphs personally attended sessions of the consultative committees and actively participated in their deliberations. Each and every member of the committee forcefully expressed his views on the subject under discussion without any fear or favour. The decisions were made on the basis of rationality and not under any threat or duress.

The Prophet (pbuh) and the Pious Caliphs were accessible to the people all the time. They lead the prayers in the mosque five times a day and bigger gatherings on Friday and on the occasion of Eid-ul-Fitr, Eid-ul-Adha and on Hajj (annual pilgrimage). Apart from these formal occasions, they would be roaming around in the city among the people without any escort or protocol. They neither considered themselves 'VVIPs' of the current vintage nor acted like the ones we are familiar with. Their doors were open all the time and they had no security guards to keep the visitors away. This is notwithstanding the fact that three caliphs out of four, were assassinated and even then no one employed security guards or took any extra precaution while walking about among the people.

²² Maududi, *Khilafat-o-Malukiyat*, 97-100.

²³ Ibid., 100-102.

Relevance to Pakistan!

Is the model of good governance as prevalent during early Islam relevant to Pakistan? It is a billion dollar question. The simple answer is ‘no’. Indirectly, it has plenty of relevance. Pakistan looks at governance models of a fairly large number of counties every year simply to LEARN. If we, in Pakistan refuse to learn, the fault is not with the teacher.

Had those who wrote the constitution of Pakistan looked at ‘Meesaq-e-Madinah’, the mess Pakistan finds itself in today would have been substantially less. Possibly we would have been a different country. ‘Good governance’ in early Islam provides a model which is relevant not only to Pakistan but to the world in general. While studying this model we should not forget that it is nearly FOURTEEN HUNDREDS YEARS OLD MODEL. It still has a lot to offer to the world, both in theory as well as in practice.

It is never too late to learn. If the political leadership in Pakistan ever decides to take a step in the right direction, we can then hope to reach where we want to be. A journey of a thousand miles begins with one step.■

Table

Comparison of Elements of Good Governance			
	Maulana Maududi	Ibrahim M. Ida	Shamsul Haque
1	Elective caliphate	Upholds principles and practices of democracy	
2	Consultative government	Popular participation in decision-making	Participatory process of decision-making
3	Baitul Mal/government treasury is a trust	Accountability	Capping corruption and accountability
4	Conception of government	Promotes cooperation and fasters sense of belonging	Transparency
5	Rule of law	Respects human rights and rule of law	Rule of law
6	Government above all prejudices	Recognizes merit rather than ethnicity, favoritism etc.	Efficiency
7	Spirit of democracy	Upholds principles and practices of democracy	Political pluralism
		* Freedom of association	
			* Private sector
			* Devolution of powers to local government

* These elements were not relevant during the period under discussion.

CHAPTER II

PERCEPTIONS OF ISLAMIC LAWS AND SHARI'A IN PAKISTAN

Professor Dr Anis Ahmad

The Historical Context

- Discourse on Islamic laws and Shari'a in Pakistan can be more meaningful if we remind ourselves of the genesis of the idea of Pakistan. The concept emerged in the backdrop of three dimensional historical context.
- First the aspirations of the Muslims in the subcontinent to live by their own values, culture, and way of life as precisely recaptured by the Quaid.

“The establishment of Pakistan for which we have been striving for the last ten years is, by the grace of God, an established fact today, but the creation of a State of our own was means to an end and not the end in itself. The idea was that we should have a State in which we could live and breathe as free men and in which we could develop according to our own lights and culture and where principles of Islamic social justice could find free play.”

Address to Civil, Naval, Military and Air Force Officers, Khaliqdina Hall, Karachi October 11, 1947 in *Quaid-i-Azam Muhammad Ali Jinnah: Speeches and Statements, Islamabad* (Government of Pakistan, Ministry of Information, 1989), 74, (emphasis added).

The Revivalist Vision

- Second, the emergence of revivalist vision of Islam as a holistic system (*Nizam*) which does not accept separation between the secular and the sacred:

“Islam does not bifurcate the unity of man into an irreconcilable duality of spirit and matter. In Islam, God and universe, spirit and matter, church and state are organic to each other. Man is not the citizen of a profane world to be renounced in the interest of a world of spirit situated elsewhere. To Islam, matter is spirit realizing itself in space and time.”

M. Iqbal, Allahabad Address, S. Abdul Wahid, ed., *Thoughts and Reflections of Iqbal* (Lahore: Sh. M. Ashraf Publications 1973), 163.

Not a Theocracy

- The political and legal thought of Iqbal was further articulated and crystallized by Sayyid Mawdudi:

“By the word “vicegerency”, your mind should not turn towards the Divine Right of Kings, or to Papal authority.

According to the Qur’an, the vicegerency of Allah is not the exclusive birthright of any individual or clan or class of people, it is the collective right of all those who accept and admit Allah’s absolute sovereignty over themselves and adopt the Divine Code, conveyed through the Prophet, as the law above all laws and regulations.

This concept of life makes the Islamic *Khilafat* a democracy, which in essence and fundamentals is anti-thesis of the theocratic, the monarchical and the Papal form of government, as also of the present-day Western secular democracy”

Sayed Abul A’la Mawdudi, *Islamic Law and Constitution*, trans., ed. Khurshid Ahmad (Lahore: Islamic Publication Ltd., 1980), 218-219.

A Holistic Islamic State

“I therefore demand the formation of a consolidated Muslim State in the best of interest of India and Islam... to mobilize its law, its education, its culture and to bring them into closer contact with its own original spirit and with the spirits of modern times”

Allama Iqbal, Presidential address, All India Muslim League at Allahabad, Dec 29, 1930. S. A Wahid, ed. *Thoughts and Reflections of Iqbal* (Lahore: Sh. M. Ashraf Publications, 1973), 173.

Realization of Socio-Political Ideology

Third, the founding fathers were convinced that after the fall of the *Uthmani Khilafat*, the Muslim society (*Ummah*) needed its socio-political ideology – the Shari’a to be manifested in an ideological state.

“As far as the Muslim masses are concerned, the Pakistan movement is rooted in their intrinsic feeling that they are an ideological community and have as such every right to an autonomous political existence. In other words, they feel and know that their communal existence is not as with other communities – based on social affinities or on the consciousness of cultural traits held in common, but only – exclusively – in the fact of their common adherence to the ideology of Islam: and that, therefore, they must justify the communal existence by erecting a socio-political structure in which that ideology – the

Shari'a – would become the visible expression of the nationhood.”

Allama Muhammad Asad Leopold Weiss (1900-1992), Ambassador of Pakistan in the UN (1952) in “What do we mean by Pakistan”, Arafat, Lahore, May 1947 in M.I. Chughtai, ed. *Muhammad Asad: Europe's Gift to Islam* (Lahore: Sang-e-Meel Press, 2006), vol. II, 912.

New Economic Order

“The problem of bread is becoming more acute; the Muslim has begun to feel that he has been going down and down during the last two hundred years; ordinarily, he believes that his poverty is due to Hindu money-lending or capitalism. The atheistic secularism of Jawaharlal is not likely to receive much response from the Muslims. The question therefore is: how it is possible to solve the problem of Muslims' poverty.

Happily there is a solution in the enforcement of the law of Islam and its further development in the light of modern ideas. After a long and careful study of Islamic law, I have come to the conclusion that if this system of law is properly understood and applied, at least the right to subsistence is secured by everyone.

But the enforcement and development of Islam is impossible in this country without a free Muslim state or states.”

Allama Iqbal in his letter to the Quaid-i-Azam, May 28, 1937.

Islam and Pakistan

- “In the Pakistan case... the whole *raison d'être* of the state was Islam: it was Islam that at first brought it into being, and that continued to give it meanings. The purpose of setting up the state was to enable Muslims here to take up once again the task of implementing their faith also in the political realm.”
- “Pakistan came into being as already an Islamic state not because its form was ideal but because, on in so far as, its dynamic was idealist.”
- “To set up an Islamic State then was the beginning not the end of an adventure.”
- “To achieve an Islamic state was to attain not a form but a process.”

Wilfred Cantwell Smith, *Islam in Modern History* (New York: Mentor Book), 217- 219.

Islamic Law and Statecraft

“Throughout Islamic history the legitimacy of the ruler and the ideal blueprint of the state, whether caliphate, imamate, continued to be official adherence to Islamic law as the basis for state and society. Thus, although Islam may not have been the

guiding force in the life of its rulers, both in theory and albeit in a more limited manner in practice, religion remained organically related to state and society”

John L. Esposito, *Islam and Politics* (Syracuse: Syracuse University Press 1984), 221.

The Real Issue?

- Some related issues with the question of shari’a and law in Pakistan:
 1. Are Islamic laws (*Fiqh* and *Qawaneen*) absolute or subject to review and modifications?
 2. Is Shari’a non-variable, universal and not particularistic?
 3. Does Shari’a itself provide a methodology and mechanism for responding to change, ‘modernity’, and ‘progress’?
 4. Is Shari’a a matter of moralizing instructions or basic legal directives, commands and principles?
 5. Can Shari’a stand on its feet without a socio-political system?
 6. Does implementation of Shari’a mean reversing the movement of history to a ‘pre-modern’ society?
 7. Does Islamisation mean Talibanization?
 8. Does Islamisation mean a theocratic and fundamentalist takeover of society and state?
 9. Does being religious mean being backward, close-minded, anti-modernity, anti-democracy and being sectarian?
 10. Is Shari’a discriminatory towards women?
 11. Does adherence to Shari’a make people extremist, ‘fundamentalist’, or ‘jihadi’?

Co-relation between Shari’a and Law

- A major conceptual problem with some Muslim elites is their taking the Shari’a (divine universal injunctions) and the *Fiqh* (jurisprudential law) as one and the same. The former consists of the direct and incorruptible speech (*Kalam*) of Allah the Exalted and the protected Sunnah of the Prophet, while the latter is deduced from the *nusus* (injunctions) of the Qur’an and the Sunnah keeping in view the explicit and implicit *nusus* and the *maqasid* (principles and objectives of the Shari’a). This makes *Fiqh* historical and variable while the Shari’a normative, legislative and absolute.
- A legal command (formulated by a jurist) is always subject to time and space. Even *Ijma’a* (consensus) can be subject to review and change by an authority of equal or greater competence according to the doctrines of law in Islam. It is a misconception that centuries old legal

inferences reflected in the *Fiqh*, or *Fatwa* (views of juriconsults) are invariably conclusive and universal.

The only non-variables are the Qur'an and the Sunnah.

In simple words, it implies that the bulk of *Fiqh* literature of the five major schools of law – the Hanifi, Maliki, Hanbali, Shafi, Jafari, and others – is subject to review and re-codification.

Difference of Opinion

- The very presence of these six or more schools of law indicates that for their founders the legal deductions of earlier *Fuqaha* were subject to review and reconsideration. Not only that, even within one school of law we find revisions sometimes by the founder himself. For example, Imam al-Shafi, or by scholars within that tradition such as Imam Muhammad al-Shaybani (d. 185/805) and Abu Yusuf (d. 181/797), in the Hanifi school. Both latter scholars, while devout disciples of Imam Abu Hanifah (d. 150/767), disagreed with his view on a number of issues and held their own positions.

Dynamism of *Fiqh*

- If *Fiqh* was rigid and non-dynamic, we would have one single *Madhhab* or *Maslak* for all Muslims. By nature tafaqqah means possibility of variance. However, to allow *Fiqh* to modify and update itself, the axiological basis must remain non-variable. If truth itself becomes variable, its objectivity will be impaired. That is why the Qur'an calls itself: *Al-furqan* (the criterion), *Al-hukm* (the command), *Muhkam* (the firmly established), *Al-hidayah* (the guidance), *Al-Shari'a* (the way). The Qur'an and the Sunnah are the mainstay – the unchanging sources for all legal deductions.

In Praise of Conservatism

- A good number of legal practitioners and some members of judicial and legislative institutions plead for the continuation of the civil and criminal codes introduced in Pakistan by the British colonialists in early-19th century. Convinced of the 'modernity' of this code, they visualize Islamic Shari'a as fossilized and pre-modern. They even ignore the fact that of the over four thousand laws prevalent in the country (over ninety percent) were enacted during the colonial period, untouched by the breath of freedom that came only in 1947. The 'modernists' have assumed the role of the defenders of a colonial

legacy; the Islamists who want to bring the country out of the maze of colonial laws and take them in conformity with demands of independence are dubbed as “fundamentalists”.

Role of *Ijtihad*

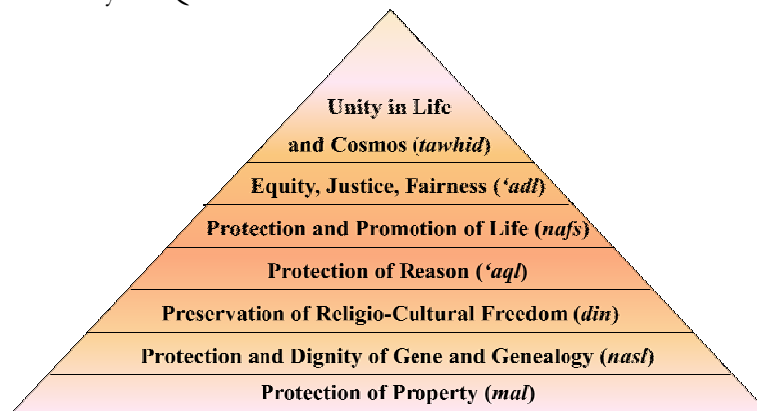
- The Qur’an and the Sunnah insist on use of *Ijtihad* in order to respond to modern issues, while the secularized elite, unaware of this dynamic Islamic approach, often voice their unfounded fears about the Shari’a and its implementation as introduction of centuries-old law and fiqh.

The “Modernity” of Colonial Penal Code

- 1898 (1860) Indian Penal Code, adopted in 1947 in the PPC did not regard adultery (with the husband’s consent) as an offence.
- The law was based on the medieval European concept of wife being property of husband.
- Islamic Shari’a recognizes independent existence of wife as a person and considers adultery a crime against the person, society and state.

Universality of Shari’a

The injunctions of Shari’a are founded on universal ethical principles, underscored by the Qur’an itself.



Shari’a in the Context of Pakistan

“No doubt there are many people who do not quite appreciate when we talk of Islam. Islam is not only a set of rituals, traditions and spiritual doctrines. Islam is also a code for every Muslim which regulates his life and his conduct even in politics

and economics and the like. It is based on the highest principle of honor, integrity, fair play and justice for all.” He further said that he could not understand a section of the people who deliberately wanted to create mischief and made propaganda that the constitution of Pakistan would not be made on the basis of Shari’at. The Quaid-i-Azam said the Islamic principles today are as applicable to life as they were 1300 years ago.”

Address to Bar Association Karachi, January 25, 1948,
Speech, K.A.K. Yusufi, ed., *Statements and Messages of the Quaid-i-Azam*
(Lahore: Bazm-i- Iqbal), 1996, Vol 4, 2669.

Islamisation of Banking & Finance

“I shall watch with keenness the work of your research organisation, in evolving banking practices compatible with the Islamic ideals of social and economic life. The economic system of the West has created almost insolvable problems for humanity and to many of us it appears that only a miracle can save it from disaster that is now facing the world...The adoption of western economic theory and practice will not help us in achieving our goal of creating a happy and contented people. We must work our destiny in our own way and prove to the world an economic system based on true Islamic concept of equality of mankind and social justice. We will thereby be fulfilling our mission as Muslims and giving to humanity the message of peace which alone can save it, and secure the welfare, happiness and prosperity of mankind.”

Quaid-i-Azam Muhammad Ali Jinnah Speech on the occasion of opening ceremony of State Bank of Pakistan, Karachi, July 1, 1948 *Quaid-i-Azam M. Ali Jinnah Speeches and Statements, 1947-48* (Islamabad: Ministry of Information, Government of Pakistan, 1989), 271.

Realization of Shari’a through State

“This Dominion which represents the fulfillment, in a certain measure, of the cherished goal of 100 million Muslims of this sub-continent, came into existence on August 15, 1947. Pakistan is the *premier Islamic state* and the fifth largest in the world”

Broadcast talk on Pakistan to the People of the United States of America, February 23, 1948, *Quaid-i-Azam Muhammad Ali Jinnah Speeches and Statements* (Islamabad: Ministry of Information, Government of Pakistan, 1989), 155, (emphasis added).

Conclusion

1. While law, *Qanun* and *Fiqh* are subject to change in space and time; Shari’a remains non-variable, universal and absolute.
2. *Fiqh* and law-making is a dynamic, creative, innovative (*Ijtihadi*) process therefore *zanni*. Shari’a being absolute (*Qat’i*) by its very

nature provides the universal principles (*Usul*) for the ongoing process of legislation.

3. In the case of Pakistan, we need to clarify our concepts of Shari'a, law and state.
4. The Qur'an has specifically declared the role of state in implementation of Shari'a. An Islamic or Muslim state, by definition, is required to implement Shari'a in personal, social, economic, legal, political and international matters.
5. The Qur'an highlights universality of the Shari'a:

“... Those who do not judge by what Allah has revealed are indeed unbelievers...
Those who do not judge by what Allah has revealed are indeed wrong-doers...
Those who do not judge by what Allah has revealed are the transgressors...
Then we revealed the Book to you (O' Muhammad), with truth, confirming whatever of the book was revealed before... judge then, in the affairs of men in accordance with the law that Allah has revealed...”

Al-Mai'dah, 5:44-48

6. Supremacy of Shari'a is also a constitutional requirement:
“All authority to govern rests only with Allah. He has commanded that you serve none but Him. This is the Right way of life (*Al-Din al-Qaiyyim*)”■

Yusuf, 12:40

ISLAM AND ECONOMY IN PAKISTAN – PRACTICE AND PERCEPTIONS

Dr Pervez Tahir

Introduction

In its battle for survival, Pakistan has fast become a national security state. It has sought to preserve ideology as well as territory at the cost of social welfare. This paper aims at approaching the subject of Islam and the economy by exploring three areas – the constitution, the financial sector and the Islamic provisions adopted by the Government to promote social welfare. It is argued that the perceptions about the economic system of Islam are formed by the Islamic provisions of the constitution. The gap between the perceptions and practice is judged by the progress made towards the elimination of *Riba* by the banks and financial institutions and the policies of the State Bank of Pakistan. It is also gauged by the quantum of welfare delivered by the Government through the instruments of *Zakat* and *Ushr*. Economists view land reform as an important cure for the rising rural poverty. The issue is discussed in the light of the Shari’at Appellate Bench Judgment regarding land reform. The paper concludes that the slow progress on the Islamisation of the economy is perceived to be the source of the Pakistan’s economic collapse, rather than the imprudent macroeconomic management and the capture of the state by the elite and security establishment, leading to economic and social injustice and marginalization.

The Constitution of the Islamic Republic

The hitherto unchanged preamble of the 1973 constitution declared “the will of the people of Pakistan to establish an order ... Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Qur’an and Sunnah [and] Wherein shall be guaranteed fundamental rights, including ... social, economic and political justice ... subject to law and public morality.” Article 1 declares Pakistan to be an Islamic Republic and Article 2 make Islam the State religion.

A new Article 2A was inserted in 1985 by General Zia to make the Objectives Resolution a part of the substantive provisions of the constitution. Originally passed in 1949, the Objectives Resolution contained the collective view of the Ulema on the key aspects of the Islamic Order to be pursued in Pakistan. It could only be passed after the death of the Quaid-i-Azam, who in his address to the Constituent Assembly on August 11, 1948 had taken a non-

theocratic view of the policy of the new born state. The parts of the preamble to the constitution quoted earlier were also from the Objectives Resolution. Moving from preamble to substantive provisions marked a shift from declaration of intent to call for action.

In the chapter on fundamental rights, Article 21 safeguards against taxation for purposes of any particular religion. Article 22 safeguards educational institutions in respect of religion. These are the only fundamental rights which have religious as well as economic implications. It is in the Chapter on Principles of Policy that specific Islamic economic measures were specifically identified. The original 1973 constitution made a mention of *Zakat*. Under the Article 31 related to the Islamic Way of Life, sub-clause (2) (c) stated: "The State shall endeavour, as respects the Muslims of Pakistan ... to secure the proper organisation of *Zakat*, *auqaf* and mosques." In 1985, the amendment made by General Zia added *Usbr* followed by *Zakat*. Again in the original 1973 constitution, it was also under Principles of Policy in Article 38 related to the promotion of social and economic well being of the people that *Riba* found its way. According to clause (f) of the Article 38, the State shall "eliminate *Riba* as early as possible."

It will be seen that two important pillars of the Islamic economy, *Zakat* and the elimination of *Riba* were part of the original 1973 constitution. Only *Usbr* was added by General Zia. The fact that these pillars were included in the Principles of Policy made them subject to Article 29. Clause (1) of this Article made it "the responsibility of each organ and authority of the State, and of each person performing functions on behalf of an organ or authority of the State, to act in accordance with those Principles [of Policy] in so far as they relate to the functions of the organ or authority." Clause (2) of the same Article stated: "In so far as the observance of any particular Principle of Policy may be dependent upon resources being available for the purpose, the Principle shall be regarded as being subject to the availability of the resources." Clause (3) of the Article 29 requires the President or the Governor of a province to lay before the Parliament/Provincial Assembly an annual report on the observance and implementation of the Principles of Policy.

Thus the operationalization of a Principle of Policy was dependent on the creation of an organ or authority and making available to it the required resources. A Ministry of Religious Affairs, Haj and Auqaf had existed since the promulgation of the 1973 constitution, but it did not take any action to organise the collection of *Zakat*. Similarly, the State Bank of Pakistan or Ministry of Finance had not taken any specific steps to eliminate *Riba*. Attention was focused on these matters soon after the *coup* of General Zia in 1977. A *Zakat* and *Usbr* Ordinance was promulgated in 1980 and the *Zakat* and *Usbr* Administration created in its pursuance. Aside from the debate on whether *Zakat* is a tax or religious obligation, Article 77 of the constitution

prohibits taxation “except by or under the authority of Act of Parliament.” The State Bank initiated work on ways to eliminate *Riba*.

Part IX of the 1973 constitution was devoted to Islamic Provisions. According to Article 227 (1), “All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Qur’an and Sunnah, in this part as referred to Injunctions of Islam, and no law shall be enacted which is repugnant to such Injunctions.” General Zia added an explanation here in 1980, stating: “In the application of this clause to the personal law of any Muslim sect, the expression ‘Qur’an and Sunnah’ shall mean Qur’an and Sunnah as interpreted by the sect.” Later, this explanation stood in the way of a uniform system of *Zakat* and *Ushr*.

For the purposes of Part IX, the constitution also created the Council of Islamic Ideology under Article 228 as a recommendatory body to bring laws in conformity with the injunctions of Islam. The Council has overstayed its constitutional duration; Article 230 (4) required it to “submit its final report within seven years of its appointment.” Regardless, the Council has prepared a number of reports, including some related to economic matters, but these reports were never discussed and any recommendations legislated by the Parliament. As a matter of fact, a religious court, discussed in the following paragraph, had greater influence on the economy than the Council of Islamic Ideology.

An important amendment was made by General Zia to set up the Federal Shari’at Court under Article 203C. It was given extensive powers under Article 203D (1) to declare any law un-Islamic. It read as follows: “The Court may, either of its own motion or on the petition of a citizen of Pakistan or the Federal Government or a Provincial Government, examine and decide the question whether or not any law or provision of law is repugnant to the Injunctions of Islam, as laid down in the Holy Qur’an and the Sunnah of the Holy Prophet.” Article 203F was added to create Shari’at Appellate Bench of the Supreme Court. Two of the Shari’at Court decisions have had profound implications for the economy. In one case, the Shari’at Court judgment fixed a deadline to eliminate *Riba*. In another judgment, the Shari’at Court declared the law on land reform against the injunctions of Islam.

The more recent Eighteenth Amendment to the constitution has left the Islamic provisions largely untouched. However, in abolishing the Concurrent Legislative List, the subject of *Zakat* has been devolved to the provinces. The functions of the Federal Ministry of *Zakat* and *Ushr* shall now be performed by the provincial departments.

The Financial Sector

Efforts towards the elimination of *Riba* were initiated as part of the drive towards Islamisation of the economy in the 1980’s. In the beginning,

ambitious plans were made to Islamise the entire banking system as a whole. These early ideas were based on eliminating fixed interest investment by depositors by introducing an element of risk, and a concept of interest-free banking. Mark-up replaced interest and profit and loss sharing was introduced. This name change applied to the entire banking system. Amendments were made in relevant laws. Islamic financial products and services were written into laws. Besides facilitating the existing institutions, fresh legislation was also undertaken to permit new financial institutions to operate.

With the exit of General Zia in 1987, the official patronage for interest free banking began to weaken. The drive to convert the entire banking system into a system free from *Riba* stopped insofar as the government policy was concerned. However, under the legal cover provided, Islamic banking continued as private initiatives and in competition with traditional banking. Overtime, interest free banking has come to be viewed as a narrow concept. Islamic banking is no more seen as confined to interest-free and risk-managed banking operations or financial products, instruments and transactions. In addition to interest avoidance, Islamic banks are now active market players claiming at the same time Shari'a compliance. The latest boost to Islamic Banking was provided by the Shari'at Court Judgement on *Riba*. In the light of this judgment, model agreements have been prepared for Islamic instruments such as Musharaka, Mudaraba, Murabaha, Musawama, Leasing, Salam and Istisna. The State Bank of Pakistan now has put in place a regulatory framework for Islamic Banking Institutions (IBIs). There is a separate Islamic Banking Department. It issues circulars from time to time, just like the traditional State Bank circulars. The State Bank has appointed a Shari'a Advisor who, in pursuance of Islamic Banking Department Circular 2 of 2008, must approve all Islamic products. Halal modes and investments funds are thus kept apart from traditional banking. Standards for Shari'a compliance were determined by the Commission for Transformation of Financial System, specially set up in the State Bank. In the private sector, oversight institutions such as Shari'a Board of Islamic Commercial Banks exist. Banks with Islamic banking branches have their own Shari'a Advisors.

A wide range of Shari'a compliant products and services are now available. They cater to the needs of the major sectors of the economy. Murabaha is the pre-dominant mode but IBIs also include Ijara, Musharaka and Diminishing Musharaka. In the works are Mudaraba, Salam and Istisna. Shari'a compliant agri finance products are also part of the futuristic visions of IBIs. Table 1 shows that Murabaha continues to retain its dominance (36.5 per cent), followed by Diminishing Musharaka (27.8 per cent) and Ijarha (21.5 per cent). The degree of diversification in the modes of financing has risen since 2003.

Table-1
Financing Mix

	Rupees in Billion		
	9-Sep	10-Jun	10-Sep
Murabaha	50.6	72.4	69.31
Ijarha	29.8	23.8	21.8
Musharaka	3.6	6	1.85
Mudaraba	0.5	0.4	0.4
Diminishing Musharaka (DM)	38.5	46.4	51.39
Salam	1.7	3.2	1.22
Istisna	6.1	6.4	8.6
Qarz/Qarz-e-Hasna	0	0	0.02
Others	7.9	5.4	5.53
Total	138.7	164.1	160.1
% Share			
Murabaha	36.5	44.2	43.3
Ijarha	21.5	14.5	13.6
Musharaka	2.6	3.6	1.2
Mudaraba	0.4	0.2	0.2
Diminishing Musharaka (DM)	27.8	28.3	32.1
Salam	1.2	2	0.8
Istisna	4.4	3.9	5.4
Qarz/Qarz-e-Hasna	-	0	0
Others	5.7	3.3	3.5
Total	100	100	100

Source: State Bank of Pakistan.

In terms of standard indicators, the IBIs have shown a relatively better performance than the banking industry. Tables 2 and 3 reflect this performance. Their asset structure and quality is better but earnings and profitability have taken a dip. There were slippages in asset quality as well.

Table-2
Performance Indicators

	9-Sep	10-Jun	10-Sep	Industry
Capital				
Capital to Total Assets	12.40%	10.40%	10.30%	9.90%
(Capital -Net NPAs) to Total Assets	10.70%	9.20%	8.70%	7.80%
Assets Quality Ratio				
NPFs to Net Financing	6.50%	6.50%	8.40%	14.00%
Net NPFs To Net Financing	3.00%	2.80%	4.10%	4.50%
Provisions to NPFs	55.00%	58.80%	54.10%	71.10%
Net NPFs To Total Capital	13.40%	11.50%	14.90%	21.60%
Real estate Financing to Total Financing	12.80%	10.80%	9.00%	0.00%
FCY Denominated Financing to Capital	8.60%	9.60%	7.20%	2.10%
Earnings and Profitability				
Net Income to Total Assets(ROA)after tax	0.70%	0.80%	0.60%	1.00%
Return on Equity (ROE)after tax	5.40%	6.90%	5.30%	9.90%
Net Income on Financing to Gross Income	79.00%	80.70%	80.00%	75.60%
Non-financing-financing Income to Gross Income	21.00%	19.30%	20.00%	24.40%
Trading & Fx Gains/ (Losses) to Gross Income	8.90%	8.00%	8.30%	7.40%
Operating Expense to Gross Income	67.20%	71.80%	73.90%	53.60%
Personnel Expense to Operating Expense	29.10%	32.10%	31.40%	35.50%
Spread Between Financing & Deposit Rate	6.90%	7.70%	7.70%	6.80%
Liquidity				
Liquid Asset to Total Assets	26.00%	25.80%	26.70%	33.60%

Liquid Assets to Deposits	34.30%	32.20%	33.50%	44.40%
Avg. Maturity of Liabilities (Days)	343	384	387	414
Avg. Maturity of Assets (Days)	712	596	577	594

Source: State Bank of Pakistan.

Table-3
Non-Performing Financing and Assets

Rupees in Million

	9-Sep	10-Jun	10-Sep	YoY Growth Rate	QoQ* Growth Rate
NPF	8,947.13	10,649.88	13,511.35	51	26.9
Provisions	4,920.89	6,261.78	7,305.70	48.5	16.7
Net NPF	4,026.24	4,388.10	6,205.65	54.1	41.4
Recovery (year to date)	394.29	1,679.75	260.62	-33.9	-84.5
NPA	11,127.27	12,454.37	15,147.09	36.1	21.6
Net NPAs	5,375.57	4,921.07	6,498.77	20.9	32.1

Source: State Bank of Pakistan.

From the point of view of this paper, what is important is relative significance of IBIs in the economy of Pakistan. Islamic Banking has experienced strong growth in Pakistan and globally. However, it continues to be a small and insignificant part of the overall banking industry. According to the Pakistan Economic Survey 2009-10, “growth momentum in Islamic banking has remained exceptionally strong worldwide, and this trend is shared both at local and global Islamic Financial Services Industry (IFSI). Despite the remarkable achievement during the past few years, still the Islamic financial service industry (IFSI) needs careful nurturing and development to make a significant impact on the financial landscape of the country.”

It will be seen in Table 4 that in September 2010, total assets of the IBIs had accumulated to Rs 424 billion from as little as Rs 13 billion in December 2003. This is tremendous growth. In recent years this growth has stabilized, reflecting resilience during an adverse global environment facing the banking industry. The share in banking industry as a whole has jumped from a paltry 0.5 per cent in 2003 to 6.4 per cent in 2010. The share in net financing and investment is even lower at 4.6 per cent. Thus, 19 IBIs and their 684 branches

is great advance over the past, but their weight is hardly enough to have made any significant inroads into the traditional banking.

Table-4
Industry Progress and Market Share

Rupees in Billion an Shares and Growth in Percent

	Sep. 10	Dec. 9	Dec. 8	Dec. 7	Dec. 6	Dec. 5	Dec. 4	Dec. 3
Total Assets	424	366	276	206	119	71	44	13
Share in industry	6.4	5.6	4.9	4	2.8	2	1.5	0.5
Growth (YoY)	31.2	32.7	34	73.1	65.3	63.6	238.5	
Deposits	338	283	202	147	84	50	30	8
Share in industry	6.7	5.9	4.8	3.8	2.6	1.8	1.3	0.4
Growth (YoY)	38.2	39.9	37.4	75	68	66.7	275	
Net Financing and Investment	233	226	186	138	73	48	30	10
Share in industry	4.6	4.5	4.3	3.5	2.3	1.7	1.3	0.5
Growth (YoY)	17.7	21.3	34.8	89	52.1	60	200	
Total Islamic Banking Institutions	19	19	18	18	16	11	11	4
Total No. of Branches	684	651	515	289	150	70	48	17

Source: State Bank of Pakistan.

Shari'a compliant banking has grown at a respectable pace. It offers diverse products. There are not many assessments available as to the extent it has contributed to building an Islamic social welfare state.

Zakat and Ushr

Zakat and *Ushr* were the two Islamic welfare measures imposed by the government during the Islamisation drive of 1980s. In the beginning, views varied from these Islamic levies substituting for major taxes to additional measures to reduce poverty. Various schools of thought also had different ideas about *Ushr*. It was also seen as a way of taxing the hitherto untaxed agricultural incomes. While legislation regarding *Zakat* was enacted, and an institutional structure put in place, *Ushr* remained voluntary. Susequently, *Zakat* was also made voluntary for those filing a declaration that compulsory deduction went against their faith. The result is that collection and disbursement of *Zakat* and the number of beneficiaries has been declining.

Zakat is utilized on heads specified in *Fiqh*. The disbursement takes the form of financial transfers under various schemes. These include Guzara Allowance, Educational Stipends, Health Care, Social Welfare/rehabilitation, Eid grants, and Marriage assistance. This is known as the Regular *Zakat* Programme, which claimed 53 per cent of the total in 2009-10. There are also other *Zakat* programmes and some national level schemes, which respectively utilized 17 per cent and 30 per cent of the total.

Disbursements have been declining overtime. Total disbursement in 2009-10 was Rs.768.7 million compared to Rs. 1,421 million 2008-09, a decline of 46 percent. There was a corresponding decline in the number of beneficiaries from 538,050 to 404,124, a decrease of 25 per cent.

Interestingly, Pakistan Bait-ul-Mal set up through government funding to provide assistance to the destitute, needy, widows, orphans, invalids and infirm irrespective of their gender, caste, creed or race, disbursed a larger amount of Rs. 1.65 billion.

Table-5
Share of *Zakat* in Poverty-related Spending

Rupees in Billion and Beneficiaries in Thousands

Year	<i>Zakat</i> Disbursement	No. of Beneficiaries (000)	Poverty- related Budgetary Spending	Poverty- related Non- budgetary Spending	Total Poverty- related Spending
2001-02	5.3	1,710	166.0	7.7	173.7
2002-03	8.0	1,754	209.0	12.0	221.0
2003-04	5.3	1,639	261.3	13.2	274.5
2004-05	3.7	1,370	316.2	13.8	330.0
2005-06	4.5	2,373	376.1	17.9	394.0
2006-07	4.6	2,494	426.7	21.9	448.6
2007-08	2.5	1,456	572.6	27.0	599.6
2008-09	2.9	1,085	977.2	-	-
2009-10*	0.8	404	1,095.6	-	-

*July 2009-March 2010.

Source: Finance Division, Government of Pakistan.

In Table 5, *Zakat* disbursement and the number of beneficiaries have been given for the last decade. Disbursements as well as the number of beneficiaries have declined. It was the major component of non-budgetary poverty-related spending. This included social security expenditure on labour through Employees' Old-age Benefit Institution (EOBI) and Workers Welfare

Fund and some other schemes outside the budget. The poverty-related budgetary expenditure of the federal and provincial governments has increased steadily. However, the total poverty-related expenditure, budgetary plus non-budgetary, is still a small sum of around 4-5 per cent of GDP. *Zakat* is an infinitesimally small part of it.

Shari'at Bench Judgment on Land Reform

General Zia ul Haq's Islamisation drive created the Federal Shari'at Court on June 26, 1980 with the authority to carry out judicial review of laws to decide whether or not they were repugnant to the injunctions of Islam. A Shari'at Appellate Bench of the Supreme Court was also established. In the Qazalbash Waqf case, the Shari'at Appellate Bench of the Supreme Court delivered a landmark judgment on August 10, 1989 declaring land reform as un-Islamic. It was made effective from March 23, 1990. The plea taken by the Qazalbash Waqf was the land held by it was utilized for the divine purpose of serving the humanity and its acquisition was against the injunctions of Islam.

Land reform laws were challenged in as many as 67 Shari'at petitions. Deciding one such petition (P.L.D. 1981 F.S.C. 23), the Federal Shari'at Court held land reform not repugnant to the injunctions of Islam. Justice Aftab Hussain argued that despite the presumption in favour of private property, Islam recognized the validity of state-imposed limits on wealth for the purpose of alleviating poverty. Appeals filed at the Shari'at Appellate Bench of the Supreme Court of Pakistan produced the judgment declaring land reform as un-Islamic. The dissenting judges based their opinion on the concept of Islamic social welfare, arguing like Justice Aftab Hussain that land ceilings were necessary to alleviate poverty.

Writing the lead judgment, Mufti Muhammad Taqi Usmani took a different view of Islamic social welfare. It was maintained: "The objective of the Islamic welfare system is the sustenance of the poor. The state's welfare role is limited, while a larger amount of responsibility is placed on the individuals through the imposition of legal obligations with regards to the sustenance of the poor. The state can force individuals to fulfill these obligations through frameworks for enforcement e.g. *Zakat* and *Ushar* collection system. However, its role does not exceed to granting property rights to individuals over such property which has been legitimately acquired by others."

National Assembly unanimously passed a resolution against feudalism on September 3, 2010. The resolution talked of land reform to end feudalism. Article 3 of the constitution calls for elimination of all forms of exploitation, Article 23 permits acquisition of property subject to being reasonable in public interest and Article 38 (a) envisages equitable adjustment of landlords-tenants rights.

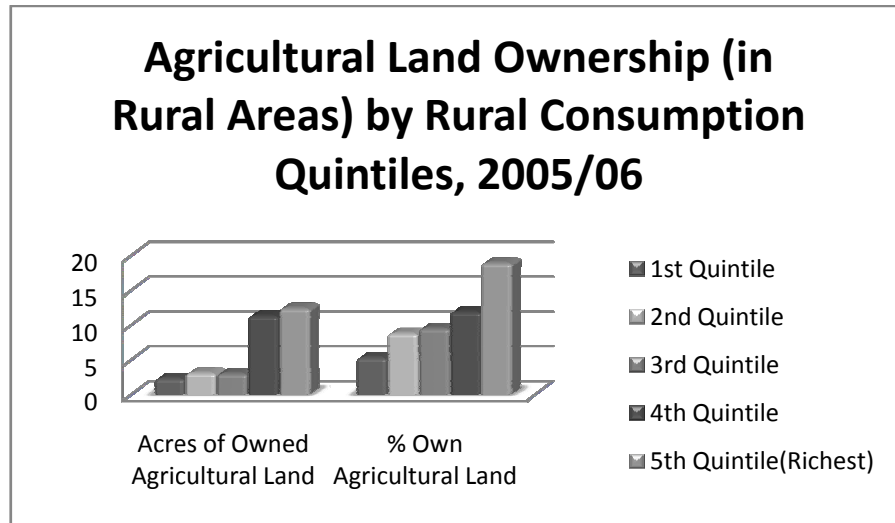
The conventional wisdom is that productivity declines as the farm size increases. The counter argument, not well-researched in our case, is that land reforms are a folly and may well lead to a production breakdown. Corporate agriculture is the answer. These are efficiency arguments. The strongest argument for land reforms is the enormous burden of rural poverty, which is clearly associated with the rapidly rising landlessness. The poor need assets to sustain their livelihoods, which in case of rural areas are titles to land. Table 6 below indicates that rural poverty in 2005-6 was 27 per cent compared to the urban poverty of 13.1 per cent, i.e., more than twice the urban rate. Although overall poverty declined between 2001-02 and 2005-06, the rate of decline in rural areas was much lower than in urban areas. Given the high rates of inflation, stagnating growth and rising unemployment, rural poverty in recent years is likely to have risen sharply.

Table-6
Poverty Headcount Ratio

Region	FY 2001-02	FY 2005-06	Percent decline
Overall	34.5	22.3	35.4
Urban	22.7	13.1	42.3
Rural	39.3	27.0	31.3

Source: Planning Commission.

Pakistan continues to be predominantly an agricultural economy. Two-thirds of the population still lives in rural areas. Agriculture contributes 21 per cent of the GDP and 44 per cent of the labour force depends on it for its living. “Not surprisingly,” concludes the Poverty Reduction Strategy Paper II prepared by the Government of Pakistan: the “rich households in rural areas were more likely to own agricultural land than poor households in FY 2005/06. The richest 20 percent of the rural households were on average more than 3.5 times likely to own agricultural land than the poorest 20 percent of rural households. Also, the richest 40 percent of rural households owned agricultural land that was on average about 4 times larger than that owned by the poorest 60 percent.” The analysis clearly suggests that poverty is associated with landlessness. Fig.1 presents this picture graphically by using the data from Pakistan Social and Living Standard Measurement Survey (PSLM) 2005-06.



Source: Federal Bureau of Statistics.

Asset ownership is likely to reduce poverty faster than all the alternatives tried thus far. Other important issues to be sorted out include the land ceiling on individual or family ownership, consolidation and fragmentation resulting from inheritance laws. Family rather than individual ceiling is preferable, as the latter has been grossly abused in the past efforts of [land reform](#).

The constitutional and legal path requires that reasonable compensation be made for the land acquired. Shari'at Appellate Bench Judgment requires market price as well as the consent of the owner. In its present state of finances, the government cannot pay up. Nor can the landless poor. The international financial institutions have extended billions of dollars of soft term credits to eradicate rural poverty, with the outcome to reverse the stated objective. The time has come for a major credit to buy excess land and enable the landless poor to acquire it on easy installments. Even this will require payment of some interest to the donors.

A land reform bill has been tabled in the Parliament. It contains most of the elements necessary for reform. The maximum size of holdings – 30 irrigated and or 54 un-irrigated acres – is appropriate. Family, rather than individual, as the unit of ownership closes the door of abuse kept wide open in the previous attempts at land reform. The principle of compensation has been recognized and beneficiary criteria outlined. Issues of heredity and barrage land giveaways have been highlighted. Cooperative arrangements have been allowed within limits and exemptions for orchards and shikargahs disallowed. Some key elements are missing. For instance, there is no knowing how the compensation would be financed. Also, whether or not the distribution of

resumed land should be free, needs to be debated in the context of eradicating rural poverty, the predominant form of poverty in Pakistan. There are some other omissions, which of course would come up in the debate that has started, outside the parliament at least. The size of holdings may have to vary between the provinces, not necessarily on the basis of the much abused produce index units.

Implementation arrangements have been proposed and the Shari'at Appellate Bench ruling discussed. Basically the bill calls for the appropriation of land allotted to the feudal elite for their loyalty to the British in the colonial past. It seeks justification in the Shari'at Appellate Bench observation that "If the property being acquired by the state is such that it had been illegitimately acquired by the so called owner, then the state is allowed to seize that property without paying compensation."

Summing Up

The key objective of managing an economy is to promote social and economic well-being of the people, with special care for the poor, the marginalized and those with disabilities. The constitution of Pakistan in general and the Islamic provisions in particular have been perceived to promote these very objectives. Until the eighties, the Islamic provisions related to *Zakat* and *Riba* were not implemented. Economic development efforts mounted by various regimes up to the decade of the seventies failed to deliver adequate social welfare. Instead the economy served the establishment of a national security state. Since the decade of the eighties, Islamic injunctions of Shari'a compliant banking and *Zakat* have been implemented. Shari'a compliant banking is now an important player in the financial sector. It contributes to the economic development of the country. However, its role in the promotion of social welfare has been minimal, if any.

Zakat collection and disbursement was institutionalized and has been in operation for three decades. Its disbursements over time has declined, as have the number of beneficiaries. Pakistan spends no more than 4-5 per cent of GDP on poverty related spending. Ideally this much spending should be on education alone. *Zakat* forms a very small part of this spending. *Ushr* collection never took off. In the Shari'a Appellate Bench Judgment regarding land reform, it was held that the state can force individuals to fulfill their obligations for welfare through frameworks for enforcement e.g. *Zakat* and *Ushar* collection system. This, however, is a framework which has neither delivered enough welfare nor has the potential, given the massive poverty in the country. An effective dose of land reform has the potential to make a serious dent into rural poverty, which is more serious than urban poverty. However, the Shari'a Appellate Bench Judgment maintains that the role of the

state “does not exceed to granting property rights to individuals over such property which has been legitimately acquired by others.”

The popular perceptions about the economic system of Islam are formed by the Islamic provisions of the constitution. The gap between the perceptions and practice is judged by the progress made towards achieving Islamic welfare. The slow progress on the Islamisation of the economy is perceived to be the source of Pakistan’s economic collapse, rather than the imprudent macroeconomic management and the capture of the state by the elite and security establishment, leading to economic and social injustice and marginalization. ■

References

1. Centre for Civic Education Pakistan (2010), *The Constitution of the Islamic Republic of Pakistan 1973: As amended by the Constitution (Eighteenth Amendment) Act, 2010 (Act no. X of 2010)*, Islamabad.
2. Finance Division. 2010. *Pakistan Economic Survey 2009-10*. Islamabad: Government of Pakistan.
3. Finance Division. 2010. *Poverty Reduction Strategy Paper II*, Islamabad: Government of Pakistan.
4. *Islamic Finance News*. 2010. Various issues Khan, Akhtar Hameed. 1972. *Land Reforms in Pakistan 1947-72*. Karachi: National Institute of Social and Economic Research.
5. Naqvi, S. N. H., Mahmood Hasan Khan and M. Ghaffar Chaudhary. 1987. *Land Reforms in Pakistan: A Historical Perspective*. Islamabad: Pakistan Institute of Development Economics.
6. Nasr, S.V.R. 1996. Pakistan: State, Agrarian Reform and Islamisation. *International Journal of Politics, Culture and Society*: 10: 2.
7. Pal, Izzud-Din. 2006. Islam and the Question of Land Reform. *Dawn*, September 9.
8. State Bank of Pakistan. 2010. *Annual Report 2009-10*. Karachi.
9. State Bank of Pakistan. 2010. *Handbook of Islamic Banking Products and Services*.
10. Karachi: Islamic Banking Department. Pakistan, State Bank. 2010. *Handbook of Islamic SME Financing*. Karachi: Islamic Banking Department. Pakistan, State Bank. 2010. *Islamic Banking Bulletin*. Karachi: Islamic Banking Department. Various issues.
11. Tahir, Pervez. 2010. Land Reform – the Way Forward. *Express Tribune*, September 10.

ISLAM AND EDUCATION IN PAKISTAN

Professor Dr Dost Muhammad Khan

Since the inception of life (the creation of Adam (A.S)), knowledge has reigned supreme. When Allah (SWT) created Adam (A.S) as His first vicegerent on earth, he was taught with the names of all things.

In the holy Qur'an it is mentioned in Sura 2, verses 31-34: (which means): And he taught Adam (A.S) the names of all things, then presented it to the angels: Then he said: Tell me the names of those if you are right. They said Glory be to thee! We have no knowledge. He said O Adam! Inform them of their names. Due to the knowledge given to Adam, Allah (SWT) said to the angels: Bow down to Adam," and they bowed down.

The excellence given to Adam (A.S) and all other prophets was due to the knowledge gained through revelation. All the prophets were the first educators of their own time and place. Therefore we can say that Islam and education are two sides of the same coin.

As it is known to every Muslim that Islam began in its final and complete shape when the last prophet (Khatim un nabiyyin) (صلى الله عليه وسلم) received his first revelation in his 40th year. There are no records to show that he ever studied the art of reading and writing in his childhood or youth, and generally he is known and believed to have remained unlettered all through his life. Yet how interesting and inspiring it is to note that the very first revelation he received was a command to him and all his followers "To Read":

Eulogizing the pen and ascribing to it as a source of all human knowledge: "Read in the name of thy Lord, Who created you from a clot. Read and it is thy Lord, the most Bountiful who was taught by the pen, taught man which he knew not".

From the study of Holy Qur'an, it is significant that in most of the verses of the Mekkan Suras, learning and writing are mentioned time and again.

For instance:

"Are those who know equal with those who know not."

"And say: Lord! Increase my Knowledge."

"And if all the trees on earth were pens and the seas with seven more seas (add to it) were Ink, the words of Allah could not be exhausted."

"(By) the inkpot and by the pen and that which ye write there with."

"Ask the people of remembrance if you know not."

The purpose of raising a prophet in a nation is nothing but to teach to mankind: “Indeed Allah conferred a great favour on the believers when He sent among them a Messenger (Muhammad صلى الله عليه وسلم) from among themselves, reciting to them His verses (the Qur’an) and purifying them (from sin thereby following them), and instructing them (in) the book (the Qur’an) and *Al-hikmah* [the wisdom and the Sunnah of the prophet] while before that they had been in manifest error” and hence no wonder if the prophet Muhammad صلى الله عليه وسلم remarked “I have been sent as a teacher (*Mu’allim*).”

The Qur’anic word for knowledge is “*Ilm*” which in most cases is used to refer to Islamic knowledge or matters related to Shari’a (Islamic Law) while the scholars have clearly described that the word ‘*Ilm*’ means education (knowledge) covering religion (Shari’a), ethics, skills and all types of knowledge which is useful and necessary for mankind and all other creatures. That is why the Qur’an urges the faithful to think, ponder, reflect and thus acquire knowledge that would bring them closer to Allah and His creation.

The Qur’an uses repetition device of important things in order to embed certain key concepts in the heart and mind of its listeners.

Allah (SWT) and *Rab* (the sustainer) are repeated 2800 and 950 times respectively. While ‘*Ilm*’ (knowledge-education) comes third with 750 mentions. Therefore, the prophet Muhammad صلى الله عليه وسلم commanded knowledge upon all Muslims, and urged them to seek knowledge as far as they could reach, and also seek it at all phases of their life (from cradle to grave).

This is why Islam attaches such great importance to knowledge and education. The Qur’an repeatedly instills in man the desire to learn natural science. Hence there is no bifurcation or division in Islam regarding knowledge. Islam gives emphasis on acquiring both types of knowledge, religious as well as worldly knowledge, because Islam guides its followers to ask for good things. “Our Lord! Give us good in the world and good in hereafter, and guard us from the doom of Fire”.

In Islam seeking knowledge is a sacred and noble duty and obeying the commands of Allah (SWT). The importance of education is basically for two reasons: the first is that, the training of human mind is not complete without education. Education guides mankind towards right thinking and correct decision making. The second reason is that, through knowledge and education a man becomes able to receive the necessary information about his spiritual and worldly matters.

Education is thus the starting point of every human activity. Allah (SWT) created man in the best form bestowing upon him the tools like hearing, sight and wisdom for acquiring knowledge.

Allah (SWT) says: (what means): “and Allah brought you from the womb of your mother while you know nothing and He gave you hearing, sight and hearts that you might give thanks (to Allah).

Up to what extent a knowledgeable person is accorded great respect in many prophetic narrations can be imagined that the angels stretch their wings and fish pray for him. Because of the importance of knowledge Allah commended his Messenger صلى الله عليه وسلم to seek more of it. Allah (SWT) says, “My Lord! Increase me in knowledge”. The holy Prophet صلى الله عليه وسلم made seeking knowledge an obligation on every Muslim (man and woman) and he صلى الله عليه وسلم explained the importance and superiority of a scholar over common people as the superiority of the moon over the stars.

He صلى الله عليه وسلم said that the scholars are the heirs of the prophets and the prophets, may Allah (SWT) exalt their mention, did not leave behind any money; their inheritance was knowledge (*Ilm*), so whoever acquires it has gained a great share.

Furthermore, the prophet صلى الله عليه وسلم said the seeking of knowledge is a way leading straight to paradise. He صلى الله عليه وسلم said, “whoever follows a path in the pursuit of knowledge, Allah will make a path to paradise easy for him”.

Keeping in view the importance of knowledge, almost in all books of Ahadeth, a chapter has been specified on knowledge. Great importance is given to learning and knowledge in Islam and it can be judged from an event of Islamic history in the life of the Prophet (pbuh). When in the battle of Badar, the Prophet (pbuh) gained victory over the infidels, about seventy of the prisoners of war were literate. To take benefit from their education, the Holy Prophet (pbuh) declared that if one prisoner teaches ten Muslim children to read and write, they will be set free. From this important event we can learn that Islam teaches us to learn all kinds of beneficial knowledge, the highest and noblest of which is knowledge of Islam or (Shari’a), and then the other branches of knowledge, such as medicine, and technology.

After the migration of the Prophet (pbuh) to Madinah, Suffah was declared as a first residential school where reading, writing, Muslim law, memorizing of chapters of the Qur’an *Tajwid*, and other Islamic sciences were taught under the direct supervision of the Prophet (pbuh) who took pains to see the daily requirements of the boarders.

Besides Suffah, there were at least nine mosques in Madinah, in the time of the Prophet (pbuh) and no doubt each one of them served simultaneously as a school. The Prophet (pbuh) encouraged specialization in different branches of knowledge by saying that whoever wants to learn the Qur’an must go to such and such person, and whoever wants to learn *Tajwid* and the mathematics of dividing a heritage and law, must have recourse to such and such persons.

The world came to know recently about the benefits of learning foreign languages while the Prophet (pbuh) deputed Zaid bin Thabit, to learn Persian Greek, Ethiopian and Aramaic, and upon the express command of the Prophet (pbuh) he learnt Hebrew script in some weeks.

It is interesting to note that the main reason for emphasis on education in Islam is to guide humankind to good deeds and actions. Education without action and action without education cannot ensure the welfare of mankind. Therefore, it is significant that almost all the verses of the Holy Qur'an in praise of or in connection with learning and writing (knowledge) belong to the Mekkan period while the verses revealed at Madinah lay greater emphasis on action and deeds.

For instance: the first revelation:

“Read in the name of the Lord---.”

“You were taught that which you knew not yourselves nor did your fathers (knew) it.”

Due to the importance given to knowledge by Almighty Allah through His revelations, the Prophet (pbuh) dedicated himself and his companions to promoting education in the newly born Muslim society.

An interesting event is mentioned in the books of Ahadith that one day when the Prophet (pbuh) entered his mosque, he found two groups of people. One of them was praying and the other was engaged in teaching and learning Qura'n and *Fiqh*. The Prophet (pbuh) remarked that both groups were doing good and praiseworthy action, yet one was superior to the other. As for the first, it prayed to Allah Who may or may not give what they asked for at His will. As for the other, it learned and taught those who knew not. And in fact he, the Prophet (pbuh), himself was raised as a teacher (*Mu'allim*) – and the Prophet (pbuh) took his seat with the latter group.

In this regard it is also necessary to recall that according to a saying of the Prophet (pbuh) a learned man is far harder on Satan than one thousand devout ascetics together.

It is very important to mention that the Holy Prophet (PBUH) spared no occasion to perform his duties as a teacher. The Prophet (PBUH) taught to many of his prominent companions. Hazrat Umar (MABPH) and many other of his companions regularly attended the classes arranged by the Prophet (PBUH) for teaching Qur'an and *Fiqh*. In order to observe that the companions were engaged in learning and teaching in the right direction, the Holy Prophet (pbuh) sometimes used to inspect the study circles in the Nabawi mosque. So, there is a narration in *Al-thirmidhi* that once the Prophet heard a discussion in the mosque for and against predestination. He came out of his room (*Hujra*) and he was so angry that, in the words of the narrator, the juice of pomegranate seemed to have been poured over his cheeks and forehead. Then he forbade discussing such matters and remarked that many a

former nations went astray on account of that question. It is very clear from this account that Islam stresses upon useful and constructive knowledge, not purposeless, empty knowledge.

These efforts and enthusiasm for seeking knowledge bore fruits and literacy spread so rapidly that very soon at Madinah it was made compulsory to maintain records in documents and attestation of at least two persons was made necessary for every transaction on credit, however small. In the words of the Qur'an the aim of written documents was as follows:

“This is more equitable in the sight of Allah, and made sure for later testimony and the best way avoiding doubt between you.”

Obviously this could not have been enforced without wide diffusion of literacy among the inhabitants of the Muslim state. The prophet (pbuh) time and again emphasized the expansion of literacy for the writing down of the (revelation), political treaties and conventions, state correspondence, on matters such as enlistment of militia, permanent representation, especially in Mecca, and to inform the central government of what was going on in other countries and states. More than 200 letters of the Prophet have come down to us and are part of the history of the period of the Prophet's rule.

The main purpose of acquiring knowledge in Islam is to bring mankind closer to their Creator. It is not simply for the gratification of the mind or the senses. The main goal of knowledge is to gain the good in this world and the Hereafter. It is not merely the pursuance of knowledge for gaining higher standards of material comfort. According to the Qur'anic perspective, education is a prerequisite for the creation of a just world in which peace can prevail.

Following the teachings of the Holy Qur'an and traditions of the Prophet (pbuh), Muslim rulers established great seats of learning and insisted that every Muslim child is bound to acquire knowledge. In that golden era education was so universally diffused that it was said to be difficult to find a Muslim without having the skill of reading and writing.

This great emphasis placed on exact knowledge resulted in the awakening of a great desire for learning among the Muslims of the first phase. The process which was initiated by the Prophet (pbuh) in Mecca, then reached Madinah, Damascus, later it was centered in Baghdad. Ultimately it entered Spain. Spain flourished, with extraordinary progress in various academic and scientific disciplines. In Muslim Spain, a time came when there was not a single village where the blessings of education could not be enjoyed by the children of the most indigent peasant. Cordoba was populated by eight hundred schools and their doors were open alike for Muslims, Christians and Jews.

A cursory glance at the rise and decline of nations shows that education is the basic and first thing which plays a vital role in this regard. That is why when Allah (SWT) decided to send His first Vicegerent on Earth, He blessed and equipped him with knowledge and then the noble assignment was handed over to the Prophets (pbuh), for the education of the Book, acquiring of wisdom and purification of the human soul.

In the history of all other nations too, the central status of education has always been manifest. The commencement of the modern western era was due to the Renaissance in Europe. Since then education has become the main tool in the advancement of nations in all fields of knowledge from social sciences to physical sciences and technology.

In the wake of British rule over the subcontinent, the educational system of the Muslims was specially targeted. They cut off altogether the link of the Muslim nation with their old academic system and enforced a new one which aimed to raise a new generation that could be useful to the colonial rulers. For this situation Akbar Allahbadi said: – دل بدل جائیں گے تعلیم کے بدل سے جانے سے and the same thing has happened.

After freedom from the British, the leadership of our country totally ignored the challenge, on which the bright future of this nation was based. As a result, after 60 years, our educational system has deteriorated both qualitatively and quantitatively.

We have assumed that the establishment of new educational institutions is progress in education and have ignored almost all basic issues and problems of the educational system. In the history of nations a bigger tragedy than this could not have happened.

For establishing an educational system, a complete and comprehensive sketch and outline of the new system is necessary. Such a system must lay down clear goals and targets regarding what will be the role of the parents, society, the media and the government. It will prescribe the syllabi, the text books, the teaching aids and tools.

The dual educational system of Secular and Madrassa education is a complex issue. The class-based educational system has made the two parallel educational systems more complex. Private educational institutions are another problem. Therefore, it is the need of the hour to resolve this important issue of the country, keeping in view all the required contemporary goals and targets.

The historians agree that the decline of the Baghdad caliphate harmed the spirit of pursuit of knowledge in the Muslim society. The Muslim world was besieged with a sense of insecurity and Muslim scholars were worried about securing the existing knowledge instead of exploring new fields of knowledge and research.

This happened in Muslim India also. In the last days of the Mughal Empire the scholars and educationists tried to slow down the process of the decline of Muslim civilization and bring a renaissance in the society. Shah Waliullah tried to make *Ijtihad* for resolving the contemporary issues in the light of the Qur'an and Sunnah. Thousands of branches of Darul-Ulum, Dehli, were established throughout India.

In the Madrassa of Najibabad, a hundred thousand illiterate people were educated and nine hundred scholars were appointed in this Madrassa on reasonable salaries. But the mighty wave of British culture and civilization forced the scholars to shut down their doors to modern thought. While a section of Muslims embraced the British educational system and pursued learning in secular institutions. From here and onwards the meaning and purpose of education became acquiring the knowledge of the English language and Western civilization. The colonials introduced Lord Macaulay's educational policy. The target and goal of this policy was: "To form a class of people, who may be interpreters between us and the millions whom we govern... a class of persons Indian in blood and color, but English in tastes, in opinion and intellect."

After Pakistan came into being it was badly needed and required to declare Arabic as the national language of Pakistan. This would have brought a revolution after 60 years. This would have lessened the chances of ethnic, religious and sectarian differences in Pakistan. The new Pakistani generation could benefit from the Holy Qur'an and Sunnah directly. The second great benefit of this would have been strong relations with Arab countries and job opportunities there.

The biggest and hot issue of Pakistan is the dualism that a class based education system has created. There are hundreds of syllabi taught in Pakistan which is a real threat not only for the unity and integrity of Pakistan but dangerous for the Muslim *Ummah*.

Another important point is the class difference between the rich and poor people. As a Muslim country, not only Pakistan but in all Muslim countries there should be a uniform education system for bringing harmony between them.

According to Islam it is the obligation of an Islamic Government to protect the life, wealth and honour of each citizen and provide the opportunities of earning food, clothing and residence. The noble duty of an Islamic welfare government is to provide education to each and every individual, for it is beyond imagination that the bearer and holder of the sacred message of "*Iqra*" would remain illiterate.

Causes of Lagging Behind in Education

- i) Unfortunately due to conflict with India we are forced to spend heavily on defence. The budgetary allocation for education is a meager 1.8 per cent.
- ii) In government policy, education has never been a top priority. As a nation, we should cut down on our unnecessary expenditures and provide enough funds for education.
- iii) Our Muslim friends, Saudi Arabia and United Arab Emirates are also not doing enough to provide assistance and help in the field of education.
- iv) Japan is the only country which is generously giving help for enhancement of education but due to corruption and mismanagement, this help is not producing the desired results.
- v) Therefore it is sincerely suggested that top priority should be given to education in Pakistan, like Japan did after world war-II on an emergency basis. Only then we can catch up in this lagging sector. This issue must be resolved because education and justice are related with each other and justice is an important and basic human value in Islam. Ignorance and illiteracy would prevent the performance of justice as it is mentioned in the Qur'an and Sunnah of the Prophet (pbuh). Therefore knowledge and wisdom are paramount for the achievement of justice and social harmony in Islam.

Conclusion

Islam has a holistic view of human development in which education and knowledge enjoy a central position. As the creation of Pakistan is based on Islamic ideology and Islam encourages the acquisition of knowledge and its use for the benefit of humanity, education must be a top priority of the Muslim state. Furthermore, the principles of justice, equality and equity are important in Islam. By extension, this entails acquiring knowledge, wisdom and skills to carry out one's duties. While knowledge is needed to fulfill religious and spiritual responsibilities, it is also important for achieving social and economic development, for the well being of the community, and for ensuring social harmony, freedom and human rights.■

References

1. Qur'an
2. Kitabul *Ilm* (Sahih Bukhari).
3. The city state of Makka – Islamic Culture, Vol – No.3.
4. Education – Institute of Policy Studies, Islamabad.
5. Education system in the Vol – 6 Prophet – Dr Muhammad Hamidullah.
6. Western philosophy of education, Syed M. Salim.
7. Al-Attas, S.M.Naquib. 1980. *The Concept of Education in Islam*. Kuala Lumpur: Muslim Youth Movement of Malaysia.
8. Education – IPS – Islamabad – Vol – 3.
9. The practical sketch of Islamic Education System – Irshad Siddiqui – LHR.
10. Education – IPS – Vol – I.
11. Altekari, Anant Sadashiv. 1934. *Education in Ancient India*. Benares: Educational Publishers.
12. Muir, William. 1923. *The Life of Mohammad*. Edinburgh: J. Grant.
13. Furnivall, John Sydenham and Lasker, Bruno. 1943. *Education Progress in South East Asia*. New York: Institute of Pacific Relations.
14. Nurullah, Syed and Naik, J P. 1951. *A History of Education in India During the British Period*. Bombay: Macmillan.

CHAPTER III

ISLAM AND RIGHTS OF MINORITIES IN PAKISTAN

Dr Noor ul Haq

Introduction

There is always a variation between theory and practice, and perception and reality. In some quarters there are misperceptions, misunderstanding and misinterpretation about teachings of Islam. This is mainly because of differences and dichotomy between what Islam teaches and what its followers practice. All religions aim at peace and well being of humanity and so does Islam. What is Islam? It is a world-religion based on belief in ONE GOD and revealed knowledge through Holy Prophet Muhammad (pbuh).

As for minorities in an Islamic state and in Pakistan, the subject will be discussed in two parts:

Islam and Minorities

- i. Qur'anic Injunctions
- ii. Examples from Sunnah
- iii. Preaching of Islam

Minorities in Pakistan

- i. Population of Minorities
- ii. Pakistan Resolution
- iii. Quaid-i-Azam's Vision, Extremism and Violence
- iv. Constitution, Laws and Reforms Affecting Minorities
- v. Constitutional Rights and Institutions for Minorities

Islam and Minorities

All major religions of the world teach us peace and compassion and Islam is no exception. The word Islam means peace and submission to God. It is wrong to blame Islam for the sins of violence by certain people who claim to be Muslims. An Islamic state is guided by Islamic Law. There are four sources of Islamic Law: Holy Qur'an, and Hadith literature (i.e., traditions/sunnah). If there is no clear-cut instruction in these sources, scholars are guided by *Qayas* (i.e., analogy and inference based on Qur'an and Sunnah), and *Ijma'a* (i.e., consensus). The Holy Qur'an and Sunnah give ample proof of tolerance

towards minorities in an Islamic state. It is seen even in its early period when Islam had to co-exist with Christianity, Judaism, or Sabians (those who are in possession of revealed knowledge but they are not mentioned in Holy Qur'an). Following Qur'anic injunctions would clarify the status of non-Muslim minorities in an Islamic state:

Belief in God and Righteousness

Holy Qur'an teaches belief in God and advises to strive for righteousness:

“Those who believe (in the Qur'an) and those who follow the Jewish (scriptures), and the Christians and the Sabians [All those who claim revelation from God, such as Zoroastrians, etc], any who believe in Allah and the Last Day, and work righteousness, shall have their reward with their Lord, on them shall be no fear, nor shall they grieve.” (Qur'an, 2:62)

God Advises to Pursue all that is Good

“To each is a goal to which Allah turns him; then strive together (as in a race) towards all that is good. Wheresoever ye are, Allah will bring you together, for Allah hath power over all things.” (Qur'an, 2:148)

No Distinction between Prophets of God

Islam venerates all prophets of God and does not make distinction among them, i.e., between the prophet of Islam and prophets of other religions.

Say “We believe in Allah, and in what Has been revealed to us and what was revealed to Abraham, Isma'il, Isaac, Jacob, and the Tribes, and in (the Books) given to Moses, Jesus, and the Prophets, from their Lord; we make no distinction between one and another among them, and to Allah do we bow our will (in Islam).” (Qur'an, 3:84)

Same God for all Religions

“And dispute ye not with the People of the Book, except in the best way, unless it be with those of them who do wrong but say, ‘We believe in the Revelation which has come down to us and in that which came down to you; Our God and your God is One; and it is to Him we submit (in Islam).’” (Qur'an, 29:46)

God has Taught the Same Religion through His Prophets

“The same religion has He established for you as that which He enjoined on Noah - the which We have sent by inspiration to thee

- and that which We enjoined on Abraham, Moses, and Jesus: namely, that ye should remain steadfast in Religion, and make no divisions therein: to those who worship other things than Allah, hard is the (way) to which thou callest them. Allah chooses to Himself those whom He pleases, and guides to Himself those who turn (to Him).” (Qur’an, 42:13)

Religious Diversity is to Strive in Virtue and Not to Quarrel

“To thee We sent the Scripture in truth, confirming the scripture that came before it, and guarding it in safety: so judge between them by what Allah hath revealed, and follow not their vain desires, diverging from the truth that hath come to thee. To each among you have We prescribed a Law and an Open Way. If Allah had so willed, He would have made you a single People, but (His Plan is) to test you in what He hath given you to strive as in a race in all virtues. The goal of you all is to Allah; it is He that will show you the truth of the matters in which ye dispute;” (Qur’an, 5:48)

If God Willed, There could be no Religious Diversity

“Allah alone can show the right path but there are ways that turn aside; if Allah had willed, He could have guided all of you.” (Qur’an, 16:9)

Again, God says

“If it had been thy Lord’s Will, they would all have believed. – All who are on earth! Will thou then compel mankind, against their will, to believe!” (Qur’an, 10:99)

All are Responsible for their Own Deeds

“Say: Will ye dispute with us about Allah, seeing that He is our Lord and your Lord; that we are responsible for our doings and ye for yours; and that We are sincere (in our faith) in Him?” (Qur’an, 2:139)

Another Verse Says

“Now then, for that (reason), call (them to the Faith), and stand steadfast as thou are commanded, nor follow thou their vain desires; but say: ‘I believe in whatever Book Allah has sent down, and I am commanded to judge justly between you. Allah is our Lord and your Lord! For us (is the responsibility for) our deeds, and for you your deeds. There is no contention between us and you. Allah will bring us together, and to Him is (our) final goal.’” (Qur’an, 42:15)

Everyone Will Follow his Own Religion

Say: O Ye that reject Faith! I worship not that which ye worship, nor will ye worship that which I worship. And I will not worship that which ye have been wont to worship, nor will ye worship that which I worship. To you be your Way, and to me mine.” (Qur’an, 109, 1-6)

No Compulsion or Coercion in Religion/Faith

“Let there be no compulsion in religion: truth stands out clear from error: whoever rejects Taghut [evil] and believes in Allah has grasped the most trustworthy hand-hold that never breaks. And Allah heareth and knoweth all things.” (Qur’an, 2:256)

Examples from Tradition/Sunnah of Holy Prophet Muhammad (pbuh)

Prophet Muhammad (pbuh) and his followers endured untold hardships and miseries, during the early thirteen years (610-623 AD) of preaching in Mecca, but he never retaliated.¹ When the people of Mecca decided to assassinate him, he migrated to the northern city of Madinah where he lived till his demise in 633 AD. In Madinah, he was entrusted with the responsibility to function as head of the city-state where Jews and other tribes lived as citizens.

1. He drew up the constitution of the city-state of Madinah known as *Meesaq-e-Madina*, which envisaged a common defence and security against adversaries by all residents of the city irrespective of their religion, caste and colour. He successfully worked to end the tribal wars, which had been rampant for more than a century.
2. “When the Abyssinian Christian delegation arrived in Madinah, the Prophet provided them with lodging even in his own Mosque, and he himself attended to their hosting and service saying: “They have honoured our people, so I like to honour them myself.”²
3. When the Christians of Najran came to Madinah, the Prophet lodged them too in the Mosque and permitted them to hold their prayers on one side of the Mosque with Muslims on the other side. In this Mosque, dialogues between Christians and Muslims were conducted with freedom, respect and tolerance.³

¹ Muhammad’s followers were thrown into prison, starved and then beaten with sticks. The hill of Ramdhah and the place called Batha became thus the scenes of cruel tortures.” Ibn-u-Athir, vol. ii, 50, and Ibn-Hisham, 209, cited in Ameer Ali, *The Spirit of Islam*, 27.

² World Security Network Newsletter, London, January 16, 2011.

³ Ibid.

4. In 628 C.E. Prophet Muhammad granted a Charter of Privileges to the Monks of St. Catherine's Monastery on Mt. Sinai and to the Christian community. It contained several clauses covering all aspects of human rights, including such topics as the protection of Christians, freedom of worship and movement, freedom to appoint their own judges and to own and maintain their property, exemption from military service, and the right to protection in war:

“This is a message from Muhammad ibn Abdullah, as a covenant to those who adopt Christianity, near and far: we are with them. Verily I, the servants, the helpers, and my followers defend them, because Christians are my citizens; and by Allah! I hold out against anything that displeases them. No compulsion is to be on them. Neither are their judges to be removed from their jobs nor their monks from their monasteries. No one is to destroy a house of their religion, to damage it, or to carry anything from it to the Muslims' houses. Should anyone take any of these, he would spoil God's covenant and disobey His Prophet. Verily, they are my allies and have my secure charter against all that they hate. No one is to force them to travel or to oblige them to fight. The Muslims are to fight for them. If a female Christian is married to a Muslim it is not to take place without her approval. She is not to be prevented from visiting her church to pray. Their churches are to be respected. They are neither to be prevented from repairing them nor the sacredness of their covenants. No one of the nation (Muslims) is to disobey the covenant till the Last Day.”⁴

5. This Charter granted to the monastery of St. Catherine and to all Christians “has been justly designated as one of the noblest monuments of enlightened tolerance that the history of the world can produce. This remarkable document which has been faithfully preserved by the annalists of Islam displays a marvelous breadth of view and liberality of conception. By it the Prophet secured to the Christians privileges and immunities which they did not possess even under sovereigns of their own creed; and declared that any Muslim violating and abusing what was therein ordered, should be regarded as a violator of God's testament, a transgressor of His commandments, and a slighter of His faith. ... If Christians should

⁴ Ibid.

stand in need of assistance for the repair of their churches or monasteries, or any other matter pertaining to their religion, the Muslims were to assist them.”⁵

6. This historical document is still preserved in the Monastery of St. Catherine in the Sinai Peninsula.

“The essence of the political character of Islam is to be found in the charter, which was granted to the Jews by the Prophet after his arrival in Madinah and the notable message sent to the Christians of Najran and the neighbouring territories after Islam had fully established itself in the Peninsula. This latter document has, for the most part, furnished the guiding principle to all Muslim rulers in their mode of dealing with their non-Muslim subjects, and if they have departed from it in any instance the cause is to be found in the character of the particular sovereign. If we separate the political necessity which has often spoken and acted in the name of religion, no faith is more tolerant than Islam to the followers of other creeds.”⁶

Preaching of Islam

Islam is a missionary religion. Islam spread throughout the world as a result of missionary work. “The Qur’an enjoins preaching and persuasion, and forbids violence and force.”⁷ During the period of British supremacy in India, Thomas Arnold, British Professor in Government College, Lahore, carried out a thorough research about the spread of Islam in the subcontinent and in the world. He concluded that it were the missionaries who were responsible for the spread of Islam. Thus he desired that his own Christian missionaries should benefit from the experience of Muslim preachers.

To deny the misperception that Islam spread by the sword, several prominent Islamic scholars, in an Open Letter to Pope Benedict XVI, argued:

“The notion that Muslims are commanded to spread their faith ‘by the sword’ or that Islam in fact was largely spread ‘by the sword’ does not hold up to scrutiny. Indeed, as a political entity Islam

⁵ Ameer Ali, *The Spirit of Islam* (London: Methuen & Co, 1965), 84; Also see Akram Zaheer, *Muslim History: 570-1950 CE* and Dr Arif Ali, “A Charter for Christians Muslim harmony,” *Dawn* (Islamabad), October 24, 2006.

⁶ Comp. Gobineau, *Les Religions et les Philosophies dans l’Asie Centrale*, cited in Amir Ali, *The Spirit of Islam* (Calcutta: K. Lahiri & Co), 271-72.

⁷ A comprehensive research on the preaching of Islam was carried out by Christian Professor Thomas W. Arnold, finalized and published in 1896 in Aligarh, India and further updated in London and published the 2nd edition in 1913. Thomas Arnold, *The Preaching of Islam* (Lahore: Ashraf Printing Press, reprinted, 1961), ix.

spread partly as a result of conquest, but the greater part of its expansion came as a result of preaching and missionary activity. Islamic teaching did not prescribe that the conquered populations be forced or coerced into converting. Indeed, many of the first areas conquered by the Muslims remained predominantly non-Muslim for centuries. Had Muslims desired to convert all others by force, there would not be a single church or synagogue left anywhere in the Islamic world. The command 'There is no compulsion in religion' means now what it meant then. The mere fact of a person being non-Muslim has never been a legitimate *casus belli* in Islamic law or belief. As with the rules of war, history shows that some Muslims have violated Islamic tenets concerning forced conversion and the treatment of other religious communities, but history also shows that these are by far the exception which proves the rule. We emphatically agree that forcing others to believe - if such a thing be truly possible at all - is not pleasing to God and that God is not pleased by blood.'⁸

The history bears witness to the fact that the Jewish minorities when persecuted in Spain were provided protection by the Ottoman Empire. The minorities in an Islamic state are provided protection in the same way as it is for the majority. They are free in the performance of their religion, rites, festivals, etc. and build their own places of worship as per rules. The Penal Laws are the same for both majority and minority except that in such matters as drinking wine the minorities are exempted. Similarly, the Civil Laws are the same for all. Unlike Muslims, they are permitted to drink and deal in wine and can rear, eat and sell pigs. Secondly, all their personal matters would be decided in accordance with their own Personal Law.

There is a misperception about imposition of *jizyah* on non-Muslims in an Islamic state. Let it be understood that *jizyah* was realized for exemption from military service of able-bodied male adults of the community, and the rates were reasonable and sliding. As against this, the Muslims have to pay *Zakat* which is applicable for both male and female. Now that non-Muslims are eligible for military service, *jizyah* cannot be levied.

Minorities in Pakistan

Breakdown of Population

Pakistan was established in Muslim majority contiguous areas to save Muslims from religious discrimination and domination by an overwhelming Hindu majority. In Pakistan, the community-wise population as per the first census of

⁸ World Security Network Newsletter, London, January 16, 2011. Also see detailed research in Thomas Arnold, *The Preaching of Islam* (London, 1913).

Pakistan conducted in 1951 and the last census about half a century later in 1998 is:

Religious Configuration in Pakistan

Community	Total (in million) 1951	Percentage 1951	Total (in million) 1998	Percentage 1998
Total Population	33.730	-	145.5	-
Muslims	32.732	97.12	139.91	96.16
Ahmadis	-	-	.509	0.35
Hindus	0.531	1.58	1.40	0.962
Scheduled Caste	-	-	0.48	0.33
Christians	0.433	1.28	2.458	1.9
Others	0.046	0.02	0.746	0.512

Source: Census of Pakistan 1951; Population Association of Pakistan Statistics, Table 1.4: Percentage Population by Religion, Source: 1998 Census: Hand Book of Population and Housing Census Pakistan (Islamabad: Government of Pakistan, Population Census Organisation Statistics Division, 2002), 50; <http://www.pap.org.pk/statistics/population.htm>

Percentage Religious Population Province-wise

	Punjab	Sind	NWFP	FATA	Baloch	Islamabad
Muslims	97.2	91.3	99.4	99.6	98.8	95.5
Ahmadis	2.3	1	0.2	0.2	0.4	4.1
Hindus	0.1	6.5	-	-	0.5	-
Sh. Caste	-	0.1	-	-	0.1	-
Christians	2.3	1	0.2	0.1	0.4	4.1
Others	0.1	0.1	0.1	0.1	0.1	0.1

Source: 1998 Census: Hand Book of Population and Housing Census Pakistan (Islamabad: Government of Pakistan, Population Census Organisation Statistics Division, 2002), 50.

It will be seen that the percentage of Muslim population has declined from 97.12 to 96.16 percent. Hindus have decreased from 1.58 percent to 1.4

percent. There is an overall increase in the percentage of population of minorities in the 1958 census, partly because of the addition of 0.35 percent Ahmadis, and partly because of the increase in the population of Christian community from 1.28 percent in 1951 to 2.458 percent in 1998.

The major sects amongst Muslims are Shi'as and Sunnis, the former being roughly about 20 percent of the population. The non-Muslim minorities are about 3.84 per cent. Christians and Hindus are two major communities. About ninety percent of Hindus live in Sindh and eighty per cent of Christians live in the Punjab. In addition, there are Ahmadis, and a smaller number of Sikhs, Buddhists, Parsis, and some other minor groups.

Pakistan Resolution and Minorities

When the All-India Muslim League finally decided in 1940 that Muslim interest would be best served if they establish an independent state in contiguous areas where they are in majority, they simultaneously assured equal rights to minorities. Their resolution of March 24, 1940 reads:

“Resolved that it is the considered view of this Session of the All India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz., that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern Zones of India should be grouped to constitute “Independent States” in which the constituent units shall be autonomous and sovereign.

Those adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in these units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them and in other parts of India”⁹

Quaid-i-Azam's Vision and Minorities

Quaid-i-Azam Muhammed Ali Jinnah, the father of the nation, had conceived Pakistan as a modern democratic state. Pakistan was created as a place where an economically marginalised minority could operate a democracy independently. It was to save the people from religious discrimination and

⁹ Nawabzada Liaquat Ali Khan, *Resolutions of the All India Muslim League from December 1938 to March 1940*, n.d., 47-48.

domination by an overwhelming religious majority, and that it emerged as a territorial state in the Muslim majority areas of the South Asian subcontinent on August 14, 1947. Quaid-i-Azam after his election as the first president of the Constituent Assembly of Pakistan on August 11, 1947, outlined his concept and policies for Pakistan, which in essence are pluralistic and democratic. For instance, concerning minorities he emphasized:

If you change your past and work together in a spirit that every one of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations, there will be no end to the progress you will make.

I cannot emphasise it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities, the Hindu community and the Muslim community — because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmins, Vashnavas, Khattris, also Bengalese, Madrasis, and so on — will vanish. Indeed if you ask me this has been the biggest hindrance in the way of India to attain the freedom and independence and but for this we would have been free peoples long ago. ...

Therefore, we must learn a lesson from this. You are free to go to your temples, you are free to go to your mosques or to any other place of worship in this State of Pakistan. You may belong to any religion, caste or creed — that has nothing to do with the business of the State. ...

We are starting in the days when there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of the 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.¹⁰

Again, as the first Governor-General of the country, he affirmed that he shall always be guided by the “principles of justice and fair play” without any

¹⁰ *Quaid-i-Azam Mohammed Ali Jinnah - Speeches as Governor-General of Pakistan 1947-48* (Karachi: Pakistan Publications, n.d.), 8-9.

“prejudice or ill-will” or “partiality or favouritism”.¹¹ On February 3, 1948, in reply to the Address of Welcome by the Parsi minority community of Sind, he said:

I assure that Pakistan means to stand by its oft-repeated promises of according equal treatment of all its nationals irrespective of their caste and creed. Pakistan which symbolizes the aspirations of a nation that found itself in a minority in the Indian subcontinent, cannot be unmindful of the minorities within its own borders.¹²

Nizam-e-Mustafa Movement

Soon after Jinnah's demise, the Muslim leadership of Pakistan came to be divided into two opposing groups. One group wanted to have Pakistan as a liberal, secular state while the other was for the introduction of Nizam-e-Mustafa according to the Qur'an and Sunnah (i.e., a form of government similar to the one practised by Holy Prophet Muhammad (pbuh) in Madinah during 620-32 A.D.) The true Islamic state was founded in Madinah in 620 A.D. and ended with the assassination of Caliph Ali in 661 A.D. According to Shi'a belief the Islamic state ended with the demise of the Holy Prophet in 632 A.D.

Due to lack of competent and visionary political leadership, and the fact that Muslims constituted 97 percent of the population, the religious leaders advocated and preached the establishment of a religio-political system.¹³ They were skeptical of the politico-social development of modern times and western political institutions. Their theology clashed with the democratic culture envisioned by the founding fathers.

Extremism and Violence

Since Pakistan was conceived by its founders as a modern democratic state and not a theocracy, the clergy felt isolated. They were partly inspired by their faith and conviction and partly by parochial and economic motives. Some of

¹¹ *Jinnah Speeches* as, 6-10. Jinnah's address has been interpreted differently. Ch. Muhammad Ali in his *Emergence of Pakistan* has viewed it as an assurance for security to minorities, whereas Muhammad Munir states that Jinnah believed in secularism. See Muhammad Munir, *From Jinnah to Zia* (Lahore: Vanguard Books Ltd., 1980), 29.

¹² Jinnah – Speeches, 50.

¹³ “The field of medieval political theory has already been subjected to intensive investigation by Von Kremer, Arnold, Sherwani, Rosenthal, Hamidullah, Tyan and others, and movements of modernism in contemporary Muslim world have also been extensively surveyed by scholars such as Smith, Gibb, Adams and Aziz Ahmad.” Manzooruddin Ahmed, *Islamic Political System in the Modern Age: Theory and Practice* (Karachi: Royal Book Coy, 1983), Justice Hamoodur Rehman, *Islamic Concept of State* (Karachi: Begum Aisha Bawany Waqf, 1978).

them promoted sectarianism, extremism, and violence. For example, there was excessive violence against Ahmadiya community in 1953, which led to the imposition of Martial Law in Lahore, and later in 1974 categorizing the community as a non-Muslim minority.

Owing to official patronage under General Zia-ul-Haq, the role and influence of the clergy and religious parties increased. It also helped the growth of a few extremist Sunni and Shi'a groups who attempted to promote the sectarian divide in the country.¹⁴ Interested foreign countries came to their help. For instance, after 1979 revolution, the Iranian government supported Shi'a community, while Saudi Arabia supported Sunni groups. The United States supported Zia regime in encouraging and arming "mujahids" to fight against Soviets in Afghanistan. The number of madaris increased and Kalashnikov culture developed.¹⁵ After Zia's death in 1988, during the next decade of democratic civilian rule, according to an assessment, "Pakistan went through a period of worst sectarian killings" and there were instances of attacks on mosques, Imam-bargahs, and churches."¹⁶ After 9/11, the U.S.-led operations in Afghanistan and consequent insurgency in that country had a spill over effect on Pakistan. Consequently, extremism, militancy and violence are persisting throughout the country causing suffering to both majority and minority communities.

Constitution, Laws and Reforms Affecting Minorities

- *Article 2:* Islam shall be the state religion of Pakistan.
- *Article 41:* The President of Pakistan shall be a Muslim.
- *Article 91(3):* By virtue of the oath set out in the Third Schedule of the constitution the Prime Minister should also be a Muslim.

Except for the President and the Prime Minister, all other appointments including Federal Ministers, Speaker and Members of National Assembly and Chairman and Members of Senate and all other appointments such as Chief Justice of Pakistan, Chief Election Commissioner, Auditor-General, etc. etc. are open to all without discrimination. For instance, there was Honourable Alvin Robert Cornelius, a Christian (1960-1968) and Honourable Rana Bhagwandas, a Hindu (2009) appointed as Chief Justice of Pakistan, besides

¹⁴ Sadia Nasir, *IPRI Paper 7: Religious Extremism in South Asia* (Islamabad Policy Research Institute, 2004), 33, cited A.Z. Hilali, "The Costs and Benefits of the Afghan War for Pakistan," *Contemporary South Asia* (Oxford), vol. 11, no. 3 (November 2002): 301.

¹⁵ Hussain Haqqani, "Islam's medieval Outposts," *Foreign Policy* (Washington), November/December 2002, 63, cited by Sadia Nasir, *IPRI Paper*, 35.

¹⁶ Zafar Abbas, "The Backlash," *BBC*, October 17, 2002, http://news.bbc.co.uk/1/hi/world/south_asia/2337675.stm

other High Court Judges. There is no disqualification for members of national or provincial legislative assemblies on the basis of colour, caste, creed or religion.

Pakistan inherited the civil and criminal laws enacted during British period. Under the Islamisation policy, General Zia's government promulgated certain laws, such as, Hudood Ordinance and Blasphemy Laws.

a. *Hudood Ordinance 1979*: It lays down harsh punishments mentioned in the Qur'an and Sunnah:

- i. *Zina* (adultery). Maximum punishment is death by stoning, but there is reduced maximum punishment for unmarried couples and non-Muslims, 100 lashes. But for *qazaf* (false accusation of *zina*) 80 lashes. However, Qur'an prescribes lashes only and not stoning to death.¹⁷ General Pervez Musharraf revised it in 2006 by Women's Protection Bill, allowing rape to be prosecutable under civil law.
- ii. *Theft*. Maximum punishment is cutting off right hand. But the amputation of right hand, according to an opinion expressed by a former Chief Justice is "contrary to Qur'an as verse 38 of Surat-ul-Maidah is qualified by the next succeeding verse 39 which says "but whoso repenteth after his wrong doing and amendeth, Lo Allah will relent towards him. Lo Allah is Forgiving, Merciful."¹⁸
- iii. *Drinking Alcohol*. Maximum punishment is 80 lashes. But the "prohibition ordinance which punishes possession, consumption etc. of all spirituous liquors, is against the Hanafi school of thought, based on Qur'anic injunctions, provided they are drunk in a moderate quantity as medicine."¹⁹

These laws have enhanced the maximum punishment for adultery, theft, drinking alcohol, blasphemy and also made the evidence for zina more stringent. But old punishments under the normal civil and criminal law and the Evidence Act remain in tact. In addition, all religious communities enjoy the personal laws applicable to their respective religion.

b. *Blasphemy Law*: The criminal law prohibits and punishes blasphemy and the maximum punishment is up to death, but no judicial execution of a person guilty of the offence has taken place.

¹⁷ Qur'an, 24:2.

¹⁸ Qur'an, 5: 38-39; Munir, *From Jinnah to Zia*, xix.

¹⁹ Munir, *From Jinnah to Zia*, xix.

Several sections of Pakistan's Criminal Code forbid damaging or defiling a place of worship or a sacred object; outraging religious feelings; defiling the Qur'an; defaming Holy Prophet Muhammad, but it is a requirement that the offence should be a consequence of the accused person's intent. Defiling Qur'an merits imprisonment for life and defaming the Holy Prophet merits death with or without a fine. The trial for the defaming of the Holy Prophet is required to be heard by a Muslim District and Sessions Judge.

Objections against Harsh Punishments

- Some Muslim scholars, such as Jawaid Ghamdi of Pakistan, argue that capital punishment in Islam could be given only to a person who is guilty of "homicide", i.e., killing somebody deliberately, or to a person who is guilty of "*fitna*" (spreading disorder and conflict in the society). His contention is based on a Qur'anic injunction: "We ordained for the Children of Israel that if any one slew a person – unless it be for murder or for spreading mischief in the land – it would be as if he slew the whole people: And if any one saved a life it would be as if he saved the life of the whole people." (Qur'an, 5:32)
- According to Holy Qur'an, Allah is Forgiving and Merciful but in the Order and Ordinance promulgated, there is not a trace of His Forgiveness and Mercifulness.²⁰
- There is a consensus that most of the cases registered for blasphemy were motivated by personal reasons and to harass opposing parties and members of minority communities.
- This law is opposed by liberal forces in the country. There is a need to look into it so that it is not abused or misused, so as to address the concerns of the people including minorities subject to law and public morality.

Administrative Reforms

- *Separate Electorates.* Minorities had opposed separate electorate which was re-introduced by General Zia in 1985 (after having been abolished in 1956). An All Pakistan Minorities Conference was held in Lahore in 2000. They demanded that joint electorate be re-introduced. General Pervez Musharraf's government acceded to their demand. Now, the minorities enjoy double votes: one they have for their reserved seats and one for the general seat because of the joint electorate.

²⁰ Munir, xx.

- *Private Schools.* The minorities had complaints that their schools were nationalised under the nationalisation policy of Prime Minister Zulfikar Ali Bhutto's administration (1972-78). Musharraf's government restored and allowed private schools.

Constitutional Rights of Minorities

The Constitution of Pakistan attempts to balance the values and the spirit of Islam with requirements of secularism. It guarantees equal rights to minorities. For instance:

Preamble: Assures Equal Rights and Status

Para 6: "Wherein adequate provision shall be made for the minorities to profess and practice their religions and develop their cultures;..."

Para 8: "Wherein minorities shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality;"

Para 9: "Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes."

Part II: Fundamental Rights and Principles of Policy

Article 20: Freedom to Profess Religion and to Manage Religious Institutions

"Subject to law, public order and morality,-

- a. every citizen shall have the right to profess, practice and propagate his religion; and
- b. every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions."

Article 21: Safeguard against Taxation for Purposes of any Particular Religion

"No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own."

Article 22: Safeguards as to Educational Institutions in Respect of Religion, etc

1. "No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.
2. In respect of any religious institution, there shall be no discrimination against any community in the granting of exemption or concession in relation to taxation.
3. Subject to law,

- a. No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any educational institution maintained wholly by that community or denomination; and
- b. No citizen shall be denied admission to any educational institution receiving aid from public revenues on the ground only of race, religion, caste or place of birth.
4. Nothing in this Article shall prevent any public authority from making provision for the advancement of any socially or educationally backward class of citizens."

Article 25: Equality of Citizens

1. "All citizens are equal before law and are entitled to equal protection of law."

Article 26: Non-discrimination in Respect of Access to Public Places

"In respect of access to places of public entertainment or resort, not intended for religious purposes only, there shall be no discrimination against any citizen on the ground only of race, religion, caste, sex, residence or place of birth."

Article 27: Safeguard against Discrimination in Services

1. "No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth."

Article 28: Preservation of Language, Script and Culture

"Subject to Article 251* any section of citizens having a distinct language, script or culture shall have the right to preserve and promote the same and subject to law, establish institutions for that purpose."

(*Article 251 (1) declares that the National language of Pakistan is Urdu...)

Article 33: Parochial and other Similar Prejudices to be Discouraged

"The State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens."

Article 36: Protection of Minorities

"The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services."

Part IX: Islamic Provisions

Article 227: Provisions relating to the Holy Qur'an and Sunnah

2. "Nothing in this Part shall affect the personal laws of non-Muslim citizens or their status as citizens."

Article 203A-J: A Federal Shari'at Court is established to “examine and decide the question whether or not any law or provision of law is repugnant to the injunctions of Islam”. The constitution has made the Shari'at Benches Order part of it, but the Shari'at Benches' jurisdiction is very much limited; all important laws having been excluded from their jurisdiction.²¹ Article 203F allows an aggrieved party to appeal to the Supreme Court.

Enforcement of Shari'a Act, 1991: Paragraph 3(1) reads that “Injunctions of Islam as laid down in the Holy Qur'an and Sunnah, shall be the supreme Law of Pakistan”, but the next paragraph 3(2) says that “nothing contained herein shall affect the rights of the non-Muslims guaranteed by or under the constitution” and its paragraph 1 says: “Nothing contained in this Act shall affect the personal laws, religious freedom, traditions, customs and way of life of the non-Muslims”.

Institutional Arrangements for the Protection of Minorities

The Government of Pakistan has made certain institutional arrangement for the protection and welfare of minorities. There is a federal Ministry of Minority Affairs, which performs the function of safeguarding the rights of the minorities as guaranteed by the constitution and promoting the welfare of minorities. The National Commission for Minorities established in 1993 works for promoting the welfare and safeguarding religious, social and cultural rights of the minorities. It works under the Ministry of Religious Affairs and promotes welfare of the minorities.

Conclusion

The minorities in an Islamic state and in Pakistan are provided protection in the same way as it is for the majority. Part II of the constitution of Pakistan lays down “fundamental rights and principles of policy”. There are clauses to permit freedom of movement, assembly, association, trade, business or profession, speech, freedom to profess religion and to manage religious institutions, and ensuring equality as citizens and non-discrimination, etc.²²

In spite of the constitution of Pakistan guaranteeing the fundamental human rights, minorities have grievances against Hudood Ordinance and Blasphemy Law, which need to be addressed suitably to accommodate their concerns subject to law and public morality. Regardless of the few discriminatory constitutional provisions that are essentially symbolic in nature,

²¹ Muhammad Munir (Chief Justice of Pakistan in 1950s). *From Jinnah to Zia* (Lahore: Vanguard Books Ltd., 2nd ed., 1980), xix.

²² Preamble and Article 2A and Part II of the Constitution of Pakistan.

and some controversial laws, there seems an overall consensus in Pakistan that the fundamental human rights as guaranteed under the constitution of the country must remain applicable to all citizens including minorities.■

CHAPTER IV

DENATIONALISATION AS A KEY CONCEPT IN
UNDERSTANDING THE SUCCESS OF ISLAM IN
TURKISH POLITICS

Dr Gokhan Bacik

Sami Zubaida in 1996 observed that “Turkish Islam is tied up with Turkish nationalism in a unique fashion, the product of Turkish history and identity.”¹ Although nationalists and Islamists are different groups and have different organisational structures, confirming Zubaida, Islamic groups used to advocate a nationalist attitude over the major issues of politics such as the European Union (EU), the Cyprus issue, relations with Armenia as well as other domestic ones such as democratisation and the Kurdish problem. To remind this like-mindedness, as recent as 1995, Abdullah Gül, a key figure of Turkish political Islam at that time, now Turkey’s avid pro-EU president, criticised Turkey’s bid to the EU membership for finding its “humiliating for Turks who represent the glorious Ottomans”.² This attitude was not peculiar to political Islam as other major religious movements were also nationalist. For example, the Gülen movement, the leading Islamic group, had a nationalist campaign against the alleged activities of the Greek Orthodox Church in the 90s. The media affiliated with the movement blamed “the Patriarch for having a secret agenda of founding a new Byzantine-Orthodox state in Istanbul”, thus the dismissal of the Patriarch was requested.³ Similar nationalist theses were the backbones of the Islamist view of politics.

Resulting from this harmony, the Nationalist-Conservative bloc together occupied an opposite position against the Secular Kemalists in the past. The paradigm of the Nationalist-Conservative (Milliyetçi-Muhafazakar) was the compilation of nationalist and Islamist discourses which were designed as counter-narrative to early Kemalism.⁴ The paradigm insinuates that the differences among nationalists and conservatives are not critical and they could

¹ Sami Zubaida, “Turkish Islam and National Identity,” *Middle East Report* no. 199 (June 1996): 10.

² TBMM Genel Kurul Tutanağı, 19. Dönem, 4. Yasama Yılı, 97. Birleşim, 11 April 1995.

³ Erhan Başyurt, “Patrik Çizmeyi Aştı,” *Aksiyon*, no. 30 (1995), 4.

⁴ Nergis Canefe and Tanıl Bora, “Intellectuals Roots of Anti-European Sentiment in Turkish Politics: *The Case of Radical Turkish Nationalism*”, in *Turkey and European Union: Domestic Politics, Economic Integration and International Dynamics*, ed. Ali Çarkoğlu and Barry Rubin (New York: Frank Cass, 2003), 138.

even be analysed as united. Conclusively, in 1991, the Islamic Welfare Party (WP) and the Nationalist Action Party (NAP), as an ultimate sign of the harmony between Islam and nationalism, made an electoral alliance, and nationalist candidates were registered under the banner of the Islamist party. This electoral coalition was crystal-clear proof of the ideological congruity between Islamists and nationalists at the grassroots.⁵

However, the Islamic actors' liberal and globalist policies in the 2000s have almost ended the historical harmony with nationalism. The Islamic bloc having abandoned nationalism emerged as the advocates of anti-nationalist policies. The Justice and Development Party (JDP), a party founded by Islamic elites such as Tayyip Erdoğan, emerged as the leading pro-EU party. In foreign policy, the party changed the traditional strategy and adopted a more liberal agenda almost turning the former nationalist agenda inside out. The government signed a protocol with Yerevan, projecting the opening of the border with Armenia. Abdullah Gül, a founder of the JDP, paid an official visit to Yerevan as Turkish President. Turkey boosted her relations with Syria even so far as to lift the visa mutually. Ministerial level visits started to Iraqi Kurdistan with whom any contact had been seen as taboo. On Cyprus, the JDP government forced the Turkish side to accept the Annan plan which was declared as treason by the nationalists. Yet, the iconic leader of the Cyprus cause, Rauf Denktaş, was purged due to the JDP-backed policies. On the Kurdish issue, the JDP elites confirmed that a political solution is necessary and made several reforms including the opening of Kurdish teaching university departments and Kurdish broadcasting TV channels. The government also made laws governing property rights of non-Muslim minorities. As a consequence the government restored old churches and started permitting religious service in old Anatolian churches. In the realm of economy, the JDP has defended a liberal agenda which emphasizes privatization and has sold many national companies to foreign investors despite severe nationalist opposition. Meanwhile, major Islamic movements like the Gülen movement have backed the JDP's policies almost as their own agendas. For instance, *Zaman*, owned by the Gülen movement which had campaigned against the Orthodox church less than ten years ago, transformed itself into a platform for anti-nationalist opinions publishing articles arguing that the Patriarch was ecumenical, good relations with Armenia should be defended, the EU membership was vital and Kurdish as a vernacular should be permitted even in official procedures.⁶

The Islamic groups' transformation resulting in their separation from nationalism invalidated the former dividing line between the secular Kemalists

⁵ Hakan Yavuz, "The Politics of Fear: The Rise of the Nationalist Action Party (MHP) in Turkey," *The Middle East Journal*, vol. 56, no. 2 (Spring, 2002): 207.

⁶ *Zaman*, February 1, 2008.

and Nationalist-Conservatives yielding a new boundary that separates secular Kemalists, nationalists and Islamists. To recall Zubaida, the tie that bound Islamists and nationalists was dissolved. On this account, this article attempts to explain the grounds behind the separation of Islam and nationalism in Turkish politics with special reference to the JDP and the Gülen movement. The main reasons for this selection are twofold: First, denationalisation of Islam is mainly their product. Second, they are the leading organisations with no other comparable alternative in terms of their capacity to affect politics and society.

Inspired by Stathis N. Kalyvas, I argue that the Islamic elites' strategy to aver the secular attacks in the late 90s initiated a path-dependent course which in the end separated them from nationalism. Their new strategy, although they did not mean such an end, denationalised the Islamic groups as an unplanned outcome. Kalyvas, in explaining the Christian Democratic parties in the West, contented that the formation of confessional parties was the contingent outcome of state-church conflicts.⁷ The Church's new but successful strategy to create political parties to avert the liberal attack weakened its authority over the same parties in the long run by creating unplanned dynamics. These unplanned dynamics gradually increased the distance between the church and the confessional parties. The foundation of Kalyvas' study is the contingent nature of social change:⁸

Political development is contingent and path-dependent, and processes of party formation have far-reaching consequences. The emergence of a Catholic political identity was neither automatic nor natural; it was the contingent outcome of conflicts between a variety of actors under specific constraints.

Comparably, the separation of Islam and nationalism in Turkey was also an unplanned outcome of a new strategy to forestall the radical secular threat in the 90s which resulted in their renouncement of nationalism. As equally important is the analysis of how this separation came out in practice, denationalisation, as the auxiliary argument, is proposed to explain how this transformation took place. Denationalisation expresses how certain issues are separated from being a matter of nationalism. In so doing, the relevant public is persuaded to abandon employing the nationalistic stance over referent issues. Mainly, the verbal and practical instruments employed by Islamic actors in fulfilling the prerequisites of their new strategy were the major elements of denationalisation. While helping the Islamic actors against the secular threat, those instruments simultaneously transformed them by creating path-dependent outcomes.

⁷ Stathis N. Kalyvas, "From Pulpit to Party: Party Formation and the Christian Democratic Phenomenon," *Comparative Politics*, vol. 30, no.3 (April 1998): 293.

⁸ *Ibid.*, 308.

Path-Dependence and Denationalisation

In explaining the rise of Christian Democracy, Stathis N. Kalyvas found out that the involved actors (church, mass organisations...) had “no intention of creating confessional parties.”⁹ The path-dependent nature of developments brought the actors to different outcomes they had never expected before. “The church fell victim to the success of its own strategy.”¹⁰ The Church promoted the creation of confessional parties to turn down the liberal attack. The strategy was correct as the parties supported by the Church won the elections in different states such as Belgium, Austria, Germany and Italy. However, those parties simultaneously as an unexpected outcome, “increased their distance from the church, and became autonomous political organisations.”¹¹ Consequently, the new party system among Catholics weakened the church leadership and the lower clergy.¹² Instead, for those new parties, the electoral support was more important than the church’s ecclesiastical hierarchy. Thus, the party system paved the way for a popular version of legitimacy which released the followers from the ecclesiastical constrain. To summarize, after creating confessional parties, the theological arguments on democracy, hierarchy and legitimacy lost their primacy against the practical circumstances in terms of their influence on Catholic masses.

Like Kalyvas’ explanation, I argue that Islamists in the late 90s, facing detrimental challenges from the secular Kemalists, adopted a new strategy which worked well and made them dominant in politics. Suffering a humiliating defeat against the army that led to status quo in 1997, the Islamists concluded that they were in need of a new strategy which should enhance them in all realms of life. Thus, the most important lesson drawn from this experience was to create new institutions and policies which would enable them better performance in various fields such as economy, social life as well as politics. As expected those new institutions and policies helped them in averting the secular threat. However, they also transformed the Islamists by creating path-dependent outcomes. Like the confessional parties in Europe, new institutions and policies altered their traditional patterns of loyalty, legitimacy as well as their ideas concerning the state, the outside world and the economy. Denationalisation is another path-dependent outcome of this process since the verbal and actual instruments of the new strategy stopped Islamic actors from using the former nationalist perspective.

⁹ Ibid., 24.

¹⁰ Ibid.

¹¹ Ibid., 25.

¹² Ibid., 36.

Denationalisation is not an unknown word; however it is used in a special context in this study.¹³ Denationalisation, a word redefined according to securitisation theory, is offered in this article to explain how the separation of Islam and nationalism practically took place in terms of actors, processes and structure. The term securitisation was coined by Ole Waever in 1995. It studies “who securitizes, on what issues (threats), for whom (referent object), why, with what results, and not least, under what conditions.”¹⁴ Securitisation process includes several important segments such as securitizing actor, referent object and the audience. In this model, the actor by reacting through a referent object influences the audience. The actor makes this through his speech acts. Ole Waever and Barry Buzan define securitisation as a speech act “through which an intersubjective understanding is constructed within a political community to treat something as an existential threat to a valued referent object, and to enable a call for urgent and exceptional measures to deal with the threat.”¹⁵ The actor through his speech acts raises a new public sensitivity over a referent. It is this “articulation of security” that changes the people’s position by claiming that “something is held to pose a threat to a valued referent object that is so existential.”¹⁶ Having a constructivist foundation, securitisation rejects the role of objective elements; rather it recognizes that the process itself is power-laden and context-dependent.¹⁷ The inter-subjective construction of security by actors makes the whole process as a power-laden negotiation.¹⁸

De-securitisation is the opposite act; however, that takes place in the same segmented structure of actor, speech act and audience. This time, actors by employing speech act de-securitize an issue. Recalling the reservations on essential approaches on Islam and nationalism, the theory is useful for several reasons: First, by rejecting objectivism, it negates essentialist explanations. Instead it recognizes the constructive role of the process which means that the relevant context is formative in defining the meaning. Second, it also denies the possibility of a universal model. Instead, it recognizes the existence of different, even contending, cases at the same juncture. The theory purports

¹³ Michael Zürn, “Globalization and global governance: from societal to political denationalisation,” *European Review*, vol. 11, no. 3 (July 2003): 341-363.

¹⁴ Barry Buzan et al., *Security: A New Framework for Analysis* (Boulder: Lynne Rienner Publishers, 1998), 32.

¹⁵ Cited in Holger Stritzel, “Towards a Theory of Securitisation: Copenhagen and Beyond,” *European Journal of International Relations*, vol. 13, no. 3 (2007): 358.

¹⁶ *Ibid.*, 360.

¹⁷ Thierry Balzacq, “The Three Faces of Securitisation: Political Agency, Audience, and Context,” *European Journal of International Relations*, vol. 11, no. 2 (June 2005): 179.

¹⁸ Mat McDonald, “Securitisation and the Construction of Security,” *European Journal of International Relations*, vol. 14, no. 4 (December 2008): 566.

that analysis is needed into how actors behave in a given juncture, rather than the axiomatic nature of several universal principles.

On that account, I define nationalisation as how a certain issue is transformed into a matter of nationalism. In consequence, the audiences, subject to nationalisation, embrace a nationalist approach toward the referent issue. A successful nationalisation may persuade even non-nationalist people, such as liberal or religious, to adopt a nationalist position in relevant cases. Like securitisation, nationalisation takes place through the nationalizing actor whose speech acts change people's understanding and position. Following the same logic from the reverse, I define denationalisation as how a certain issue is set free from being a matter of nationalism. Like the former, speech acts play the same role in denationalisation process. Denationalisation requires the analysis of how Islam and nationalism are positioned in various cases without being merely dependent on objectivist interpretations.

In addition, I propose another act particularly in explaining the denationalisation of Islamic groups: The performance act, that is the behavior of an Islamic elite whose actions have the potential of influencing his followers. Since denationalisation, as analysed in this paper, occurs between the Islamic groups and their leaders, one should recognize the moral attachment between them, which makes the latter's behaviour more influential on the former. To a large extent, denationalizing actors of this process are opinion leaders or role models. Thus, the behaviour of the Islamic elites has special significance as those leaders have large followers which somehow emulate them or follow them. For instance, when the famous Islamic leader Fethullah Gülen met the Pope Jean Paul II, his large Islamic followers changed their approach towards non-Muslims. His meeting with the Pope was a typical performance act that strongly influenced his followers.

In fact, the role of the elites in the formation of nationalism has been an attention-grabbing subject of the literature. George L. Mosse's *The Nationalisation of the Masses* (1975) which studied the nineteenth and twentieth century Germany should be listed as an important sample.¹⁹ Prominent scholars like Gellner and Snyder also confirmed the significance of "elite persuasion" particularly in the formation of popular nationalism. Joseph M. Whitmeyer, having analysed several negative cases in which elites failed in creating nationalism, concludes that despite the fact that elites do not create popular nationalism, however, they "can and do shape its expression in variety of ways."²⁰ Logically, the elites' confirmed role demonstrates the context-

¹⁹ George L. Mosse, *The Nationalisation of the Masses: Political Symbolism and Mass Movements in Germany from the Napoleonic Wars Through the Third Reich* (New York: Howard Fertig, 1975).

²⁰ Joseph M. Whitmeyer, "Elites and popular nationalism," *British Journal of Sociology*, vol. 53, no. 3 (September 2002): 322.

dependent and inter-subjective nature of the whole process. As Whitmeyer, based on his case studies noted, elites as organisers may provide occasion for the expression of nationalism; but the process is context-dependent as their information might even have been established on “lies, half-lies or truths.”²¹

The Origin: 1997

The Islamist WP finished the 1995 parliamentary elections as the largest party with 21 per cent. Necmettin Erbakan, the leader of WP, became Prime Minister in 1996 in coalition with True Path Party, a centre-right party. Erbakan’s prime ministry was indeed a unique development in modern Turkey as it was the first Islamic party-led government. As expected, the Erbakan-led coalition government quickly incited the sensitivity of secular groups. Soon, Turkish politics fell into chaotic disarray. Despite Erbakan government’s relatively successful economic policy; it gradually lost the control over civil and military bureaucracy. The army publicly became its opponent and declared Islamisation as the most serious threat. The army initiated a new campaign to dismiss the government. Most of the upper level bureaucrats including the high judges were invited to the headquarters of the army to be briefed about the threat of Islamisation in which the ruling party was identified as a reactionary Islamic threat. The bureaucratic opposition was accompanied by a strong media campaign against the government which created an unprecedented political chaos in Turkish politics. In 1997, Turkey was on the verge of military intervention. The daily public warnings to Erbakan-led government by the Turkish army became a normal part of politics. Finally, the military increased the harshness and forced the government to resign in 1997 after the famous National Security Council meeting on 28 February. On 18 June 2007, Erbakan resigned; but it did not stop the army activism. In the same year, the National Security Policy Document was amended and Islamic threat was declared as the number one threat replacing the former Kurdish separatism. Although the parliament was not dissolved, the WP was banned by the Constitutional Court for being anti-secular and its leadership cadre including Erbakan was banned from politics. Its other coalition partner, the Truth Path Party, was divided due to the strong military pressure and a new government was formed to cohabitate with the *de facto* military rule till 1999. As “the military entrenched itself deeper in the political system while ingeniously maintaining a façade of democracy, including multiparty politics, on-time local elections”²², the 28 February intervention by the military was of a different nature. Instead of direct rule, the army preferred to rule through

²¹ Ibid., 333.

²² Cengiz Çandar, “Redefining Turkey’s Political Center,” *Journal of Democracy*, vol. 10, no. 4 (1999): 130.

civilian associates such as the media, the bureaucracy, the army backed government and even the courts the coup was thus came to be known as a post-modern coup.²³

The two-year period was truly a traumatic period for the Islamists who were the targets of the army-led campaign. To avert the Islamic threat, the army-led coalition realized numberless plans from banning headscarf to hindering university education for the graduates of Imam Hatip schools. Trade firms known for their Islamist owners were punished and deprived of state originated financial opportunities. Several prominent Islamic leaders, such as Fethullah Gülen and Esad Coşan, left Turkey to escape political persecution. The public sphere due to repressive conditions gradually became intolerant to Islamists as the military-led campaign attempted to reorganise Turkish politics by purging the Islamic threat.

To summarize, under separate titles, the 28 February process was unique to the Islamists for several reasons: To begin with, it was the first direct military intervention targeting the Islamic groups. In the past, Islamic groups faced serious problems during the military rules. However, the WP-led government was directly targeted in 1997. Yet, the whole process aimed to purge the Islamic threat. Again, the WP was the only party that was banned during the intervention. Second, as a post-modern intervention, it did not happen as a classical coup; instead it continued for a relatively longer time which traumatized the process for the masses. Sophisticated media campaigns against the Islamists including the religious orders and movements created a shock effect for the common people. The intervention did not come as a sudden and short shock, instead it continued for some time. Third, not only the Islamic elites, large masses of Islamic groups faced serious interventions even in their daily lives which also traumatized the process. Ordinary religious people faced direct constraints from the military intervention: Headscarf ban at the universities, police hunting ultra-religious people dressed according to their tariqat traditions in various districts even in Istanbul, official boycott of trade firms owned by Islamic groups, the closure of many religious dormitories and seminaries.

In consequence, the 28 February Process forced the Islamic elites to adopt a new strategy to avert the militant secular attack. Witnessing their humiliating weakness, the Islamic elites realized that a new strategy was needed to overcome the current troubles they faced. The process itself was taken as a proof to show how the former strategies were futile. The Islamists, lacking needed networks in different fields such as economy, discovered that they were completely helpless against the sophisticated secular bloc. Yet, the 28 February Process made the divisions among the Islamic elites more visible. A new generation came to the fore which also criticised the traditional leaders

²³ Soli Özel, "After Tsunami," *Journal of Democracy*, vol. 10, no. 4 (1999): 86.

such as Erbakan for failing in understanding the global changes and causing the defeat in 1997.

In consequence, in the post-1997 period, the Islamists developed a new strategy which has two major pillars: First, the former narrative which always questioned the legitimacy of globalism, market economy, media and even democracy was left behind. Instead, creating new instrumental capacity in all fields became the major purpose. They developed a new strategy which emphasized becoming active in various fields such as the market and the media against which they used to have reservations before. It was realized that the lack of such instrumental capacity had led to their defeat in 1997. Second, they read carefully how and why the secular establishment is positioned vis-à-vis the Kurdish issue, the Cyprus issue, globalization and the EU membership. They realized that they had paradoxically defended the same theses of the secular establishment even against their own interest. They discovered that certain major processes such as globalization or Turkey's membership of the EU, despite some troubles, had the potential of creating remarkable opportunity spaces for them and simultaneously had the potential of weakening the secular establishment.

The Transformation

To analyse the transformation at a practical level, a number of selected cases are analysed below to highlight how the Islamic elites' new strategies against the secular attack were operated and how they ended up with denationalization. The speech and performance acts by the Islamic elites are taken as the major unit of analysis in explaining the denationalisation of large Islamic masses. Since one may figure out numerous such acts, for methodological concerns, only a number of samples that typify others are highlighted.

The denationalisation of the EU politics: Anti-Western sentiment has long been a key component of Islamist political thought in Turkey. The West was described as "the source of all problems encountered by Muslims" bringing war, imperialism and moral corruption, thus the West was the "absolute other".²⁴ The philosophical rejection of the West also led to the rejection of all Europe-originated projects such as the EU. Islamists were thus against Turkey's membership of the Common Market. Predictably, in 1987, the WP strongly protested Turkey's application to the European Community

²⁴ Ihsan Dagi, "Transformation of Islamic Political Identity in Turkey: Rethinking West and Westernization," *Turkish Studies*, vol. 6, no. 1 (2005): 22-23.

(EC).²⁵ The logic which Islamists employed in rejecting the EC membership was a nationalist one incorporating typical Turco-centric arguments.

However, the anti-Western discourse was swiftly abandoned after the 28 February Process. Seeing their political parties closed down, leaders banned and foundations intimidated,²⁶

The Islamists sought to form new alliances with westerners abroad and liberals at home who distanced themselves from the elements of authoritarian regime in Turkey. The search for an international coalition led the Islamists to move westward, where numerous human rights NGOs, the European Union, European Court of Human Rights and individual states had already been critical of Turkey's human rights record. At the end, the Islamists found themselves on the same side as the westerners...

It was the pragmatic tactic of Islamic elites that forced them to enjoy EU-originated opportunities to stop the militant secular attack.²⁷ As Turkey was given the status of candidate country in 1999, the complex European *acquis communautaire* quickly began to show its transformative effects on politics. Simultaneously, the Islamic elites discovered how the EU pressure on Turkey created important opportunity spaces for them by forcing the Turkish state to make radical reforms to enhance its democratic image. They were also fully aware of the lack of a domestic dynamic that could substitute the EU. Indeed, their reading was correct as it was the EU originated dynamics that later caused major reforms in Turkish politics including the reorganisation of civil-military relations.²⁸ Compared with domestic dynamics, the EU originated dynamics have a more transformative effect.²⁹ Moreover, the resistance of the traditional Kemalist elites to the EU-originated demands changed the traditional European perception towards the Turkish politics and moved the Islamic actors to a more positive place. In consequence, the Islamic actors started utilizing the EU membership process against the secular establishment. In so doing, their major strategy was to use the EU pressure as a disciplining

²⁵ Ihsan Dagı, *Kimlik Soylem ve Siyaset: Dogu-Bati Ayrımında Refah Partisi Gelenegi* (Ankara: Imge, 1998), 52.

²⁶ Dağı, "Transformation of Islamic Political Identity in Turkey...", 31-32.

²⁷ Gokhan Bacik, "The Transformation of the Muslim Self and the Development of a New Discourse on Europe: The Turkish Case," *International Review of Sociology*, vol. 13, no. 1 (2001): 29.

²⁸ L. Michaud-Emin, "The Restructuring of the Military High Command in the Seventh Harmonization Package and its Ramifications for Civil-Military Relations in Turkey," *Turkish Studies*, vol. 8, no. 1 (March 2007): 25-42.

²⁹ Thomas W. Smith, "Civic Nationalism and Ethnocultural Justice in Turkey," *Human Rights Quarterly*, vol. 27 (May 2005): 450.

mechanism on the oppressive state machinery in order to create new opportunity spaces for themselves.

Ironically, the Kemalist establishment that had been the official advocate of westernization was criticised for not being enough Western regarding the standards demanded by the EU. The new pragmatic strategy, which was originally designed to avert the secular attack, however, becoming a path-dependent process, transformed the Islamists so far as to denationalize their stance vis-a-vis Europe. To undertake the new strategy, the Islamic elites developed various speech and performance acts which then would produce serious effects on their constituencies as their positive approach toward the EU endorsed such issues in the eyes of large Islamic masses. Gradually, the former nationalistic narrative was abandoned.

The performance acts that played a key role in denationalisation of Islamic masses started from sporadic incidents but they then mutated into complex political agendas. In May 1998, the closed down WP, the champion of the anti-Western ideas, applied to the European Court of Human Rights (ECHR). Later on, this time, Erbakan, who blamed the West and Western institutions categorically as harmful, applied to the same court in 2000. Erbakan, facing a one-year imprisonment by a local court, applied to the ECHR and declared that the decision of the local court was not acceptable according to the European standards. In 2002, this time, Abdullah Gül, who was quoted for his anti-Western ideas above, applied to the ECHR when his wife was expelled from university for wearing a headscarf. The re-definition of European institutions as new shelters against the oppressive secular regime pushed the Islamic masses into a positive understanding towards the West. Such a pragmatic maneuver naturally ended up with the renouncement of nationalist arguments on Europe. More complex pro-European performance acts came out after the formation of JDP government. The JDP government, since 2002, has escalated using the EU membership process as a main leverage against the secular establishment. The EU membership criteria was particularly used as an opportunity to re-arrange civil-military relations.³⁰ In general, the JDP government's pro-European policies and reforms since 2002 were important performance acts that seriously accelerated the renouncement of the nationalist narrative on Europe.

The second factor is the speech acts that the Islamists employ in defending their new position which contributed to the denationalisation of the Islamic masses again in an unplanned way. Unlike the former Islamist-nationalist narrative, the new one recognizes the importance of the EU reforms and declared them as necessary. The new narrative to make the impact of the EU on the state more effective emphasizes the link between the EU

³⁰ Zeki Sarıgil, "Europeanization as Institutional Change: The case of the Turkish Military," *Mediterranean Politics*, vol. 12 no.1, (March 2007): 40.

membership and democratisation, human rights and development. While reminding the secular elites of the European standards, however, the Islamic actors were also speaking with their constituencies. Thus, their speech acts are also transformative for the Islamic masses. To present some examples, Tayyip Erdoğan in analyzing the significance of the EU reforms did not hesitate to use several words such as homework and duty. Erdoğan many times underlined that Turkey knew her “homework” in the process of EU membership.³¹ As another sample, Erdoğan argued that those who were against Turkey’s membership to the EU were among those who missed the realities of the 21st century. As another important example of speech act, Fethullah Gülen in an interview said that Turkey gained a lot in the EU membership process, particularly in terms of democratisation. Yet, Gülen reminded that those who are against the membership are also against the democratisation of Turkey.³² Enjoying the positive contribution of the EU to Turkey’s democratisation, the Islamic elites have never been hesitant to make such affirmative speech acts on the EU. Meanwhile, a chorus of Islamic journalists who repeat such speech acts in their newspapers and TV channels has also contributed to the denationalisation process.

Denationalisation of the Kurdish Issue: The Islamists experienced another major denationalisation process by assuming a new position on the Kurdish issue. The Islamic groups in the past had a nationalist discourse toward the Kurdish issue. In the former narrative, the [Kurdistan Workers’ Party] PKK was labelled as the product of a larger Western conspiracy. Erbakan for example argued that the Poised Hammer was settled in Northern Iraq to protect the PKK. To him, certain Christian missionaries were also in cooperation with the PKK, as the latter sent Kurdish children to them for Christianization.³³ Rather than analyzing the socioeconomic roots of the problem, the issue was narrated as a product of certain foreign conspiracies. Also the Islamists, like nationalists, denied any Kurdish demand for cultural rights for being detrimental to national unity.

Having faced the serious outcome of the highly militarized Kemalist regime in 1997, the Islamic elites changed their views on the Kurdish issue. The logic of the change was simple: First, the Islamists were persuaded that the Kurdish problem, which had continued for more than two decades, in which thousands of people were killed and billions of dollars were spent, became a source of legitimacy to the authoritarian rule in Turkey. Accordingly, the status quo regenerates itself politically, ideologically and financially through the war with the Kurds. It was also a peerless opportunity for the army to involve routinely in politics. Yet, the tension created by the problem was an

³¹ Radikal, May 4, 2009.

³² Sabah, March 6, 2009.

³³ Vakit, November 24, 2007.

effective instrument in the hands of the status quo in manipulating public opinion. Thus, the Islamic elites concluded that a political agenda, other than the military, is needed to stop the symbiotic relationship between the establishment and the Kurdish problem. Second, the Islamic actors also realized that as another oppressed group the Kurds were their natural allies, thus, their political support should be gained. Thus a reformist agenda on the Kurdish issue was useful not only in preventing the establishment from utilizing the Kurdish issue as a pretext for authoritarianism but also to gain the Kurd's support.

In realizing the new Kurdish strategy, the Islamic actors put certain new speech and performance acts into effect which initiated a path-dependent process in which large Islamic masses denationalised themselves on the Kurdish issue.

The set of speech acts on the Kurdish issue in general confirms that Turkey is a multicultural state in which certain ethnic groups should have their natural rights to preserve their distinguished identity. In so doing, they are radically drawn away from the traditional Kemalist discourse, which long passed over Turkey's multicultural composition. For example, in his public speeches Erdoğan has repeated that "Turkey is composed of many ethnic groups such as Kurds, Circassians, Romans, Arabs, Bosnians, Zazas etc."³⁴ Updating the political system according to Turkey's multicultural sociological configuration has become an indispensable motto of new speech acts of Islamic elites. Erdoğan's famous motto *Türkiyeli*, which translates as "those from Turkey", instead of the former Turks and *Türkiye halkı*, which translates as "the people of Turkey" are the utmost symbols of this change.³⁵ The new discourse puts the Kurds as another equal partners along with Turks. Once the Islamic actors recognized the multicultural aspect, their speech acts became woven around this framework. Erdoğan, for example, found the prohibition of education in Kurdish in university meaningless in a country "where Sumerian language is taught".³⁶ Similar speech acts which made such reformist statements as proposing a Kurdish announcement in Diyarbakir airport or Kurdish traffic signs in Kurdish cities are now typical of the Islamic elites' discourse.

Equally important is the performance acts that are made in the process of realizing the new agenda on the Kurdish problem. Particularly, the performance acts of the JDP elites are more positive in recognizing Kurdish people's cultural and other demands. Thus, the government's accomplishments such as opening a Kurdish speaking TV channel also persuaded their constituencies that such practices are normal. Erdoğan,

³⁴ *Zaman*, October 3, 2009.

³⁵ *Sabah*, February 21, 2009.

³⁶ *TRT 1 Interview*, November 8, 2009.

inaugurating the new channel spoke symbolically in Kurdish.³⁷ Similarly, the pronouncement of the Kurdish name of a village instead of the Turkified name by President Abdullah Gül contributed to denationalisation among Islamic masses by normalizing such acts. The most complex set of performance acts came out with the JDP government's Kurdish initiative which aims to solve the problem through political methodology including indirect negotiation with the Kurdish rebels.³⁸ Dramatically, as part of the new initiative, a number of PKK members returned to Turkey and were released without any arrest decision. The government's initiative plan includes several other major projects such as bringing thousands of Kurds from Iraq who left had Turkey, opening Kurdish teaching university programmes, restoring Kurdish names for villages and cities, reducing the military patrols in the Kurdish region, offering amnesty for middle and low level PKK fighters, liberalizing media laws to enhance Kurdish broadcasting, offering Kurdish as an elective course in secondary and high schools, allowing the use of Kurdish election campaign materials, purchasing Kurdish books for public libraries, employing Kurdish speaking religious leaders and policemen in the region, and delivering mosque sermons in Kurdish.³⁹

As expected, the Islamists' new approach to the Kurdish issue is the most fatal blow to the traditional harmony with nationalists. Led by the NAP, the nationalists strongly criticised the JDP's Kurdish policy so far as to blame this party for realizing the PKK's plans.⁴⁰ The division also gained a societal aspect as the JDP became a leading party in Kurdish provinces where NAP and [Republican People's Party] RPP virtually became unrepresented parties. The denationalisation of the JDP has caused a major change in the general dynamics of Turkish politics.

The denationalisation in economy: Formerly, the Islamists propagated a kind of mercantilist approach to the economy. Blaming world capitalist system as the source of moral corruption, the Islamic elites proposed a state centered protectionism. As a result the major components of a modern economy such as foreign investment, banking system as well as stock market were never internalized. More, a Sufi-style mentality which is skeptical of worldly gains dominated the masses.

However, their defeat in the 28 February Process forced the Islamic elites to revisit their understanding of the economy. They realized that their defeat was due to their ignorance about the economic forces which the military led establishment used in defeating them. The lessons taken from this experience can be summarized shortly: First, a more complex and deeper

³⁷ *Hürriyet*, September 7, 2009.

³⁸ *Zaman*, August 27, 2009.

³⁹ *Today's Zaman*, November 9, 2009.

⁴⁰ *Milliyet*, 30 September 2009.

organisation in economic realm was confirmed as necessary. Unlike the former stance, the Islamists became more agreeable to the free market. Second, they were convinced that the state based economy was another structural leverage in which the secular establishment survived and regenerated itself. Accordingly, the liquidation of the state's role in the economy was believed to decrease the power of the civil and military bureaucrats. In accepting this change in outlook, the Islamists practically became the successors of Turgut Özal, a former politician whose liberal policies shaped Turkey during the 80s.⁴¹

Updating their position on the economic front, in order not to repeat the defeat in 1997, the Islamists launched a path-dependent process which resulted in the abandonment of the nationalist paradigm in economy. Gradually, Islamists became the advocates of privatization, international arbitration, foreign investment as well as other major patterns of global economy. Again the performance and speech acts of Islamic elites in developing a new economic strategy became the central mechanisms of denationalisation.

Of all, the rise of Islamic proto-bourgeoisie is a mass performance act through which large masses of Islamic people adapted themselves to the market patterns. In this process, the leaders of Islamic movements played a key role by recommending their followers to be active in economic field. In the end, the Islamic proto-bourgeoisie, a result of provincial elites' savings, made progress at global markets.⁴² Particularly, these middle class entrepreneurs who had been deprived of state support for years gained a new impetus after the JDP activated certain opportunities for them. However, their participation in the global market through banks and companies made them familiar with new standards which were not compatible with their former nationalist views. Having observed that they were more powerful with the newly acquired economic instruments, the Islamic actors put more emphasis on the same strategy. Equally important was the JDP's liberal economic agenda in government as it had acted as the advocate of foreign investment and privatization showing an unprecedented level of success compared with all previous governments.⁴³

The speech acts used in this vein also praised a market-based economic system. Unlike the former nationalist view, a liberal globalist policy was defended. An unprecedented level of belief in liberalism, in the new speech acts, came out in these circles presenting privatization as a "structural

⁴¹ Ziya Öniş, "Turgut Özal and his Economic Legacy: Turkish Neo-liberalism in Critical Perspective," *Middle Eastern Studies*, vol. 40, no. 4 (2004): 127.

⁴² Cihan Tugal, "Islamism in Turkey: beyond instrument and meaning," *Economy and Society*, vol 31, no1 (Feburay 2002): 92.

⁴³ Hasan Turunç, "Islamist or Democratic? The AKP's Search for Identity in Turkish Politics," *Journal of Contemporary European Studies*, vol. 15, vo. 1 (2007): 86.

prerequisite”⁴⁴ for democracy and a must task “even in education”.⁴⁵ What Erdoğan once said reacting to the nationalist criticism is a good summary of this new narrative:⁴⁶

When Jewish capital comes, you are against it.
When Arab capital comes, you are against it.
You are also against Western capital. So, who is
your friend? I am marketing my country.

Erdoğan’s metaphorical model in defending his liberal economic agenda is “the statesman behaving as a merchant.”⁴⁷ Again, the Islamic media backs the liberal and globalist rhetoric in the economic field which definitely multiplies the transformative effect of speech acts.

In this vein, the centripetal move of the nascent Islamic bourgeoisie has also played an important role. Hundreds of small and medium sized enterprises, which should be seen as political basis of the Islamic groups, in different Anatolian cities, put great pressure on the government as they needed new markets to survive as it was not possible for many of them to be competent in the Western markets. Worse, important global brands were represented by old firms in the national market which have mostly no connection with the Islamic groups. To satisfy those people, the JDP government has concentrated on regional trade to create new markets which paved the way for Turkey’s recent rapprochement with several states such as Syria, Iraq as well as Armenia. In the end, a market based chain between the global economy and the nascent Islamic bourgeoisie emerged as performance acts with a strong transformative capacity in contributing to the denationalisation process.

Conclusion

Denationalisation of Islam in Turkish politics was to a large extent the path dependent product of a survival strategy of Islamic groups in reaction to the attacks of the secular establishment in the 90s. However, the separation of Islam and nationalism in Turkish politics has altered the major configuration as the traditional binary model between Seculars versus Nationalist-Conservative is no longer a meaningful level of analysis in studying the Turkish politics. The Islamic groups gradually have separated themselves from the nationalist groups. Ziya Öniş, for example, offers that “a better conceptualization of Turkish political dynamics can be made in terms of

⁴⁴ *Star*, September 3, 2009.

⁴⁵ *Star*, May 31, 2009.

⁴⁶ <http://www.tumgazeteler.com/?a=1105903>

⁴⁷ *Zaman*, May 25, 2003.

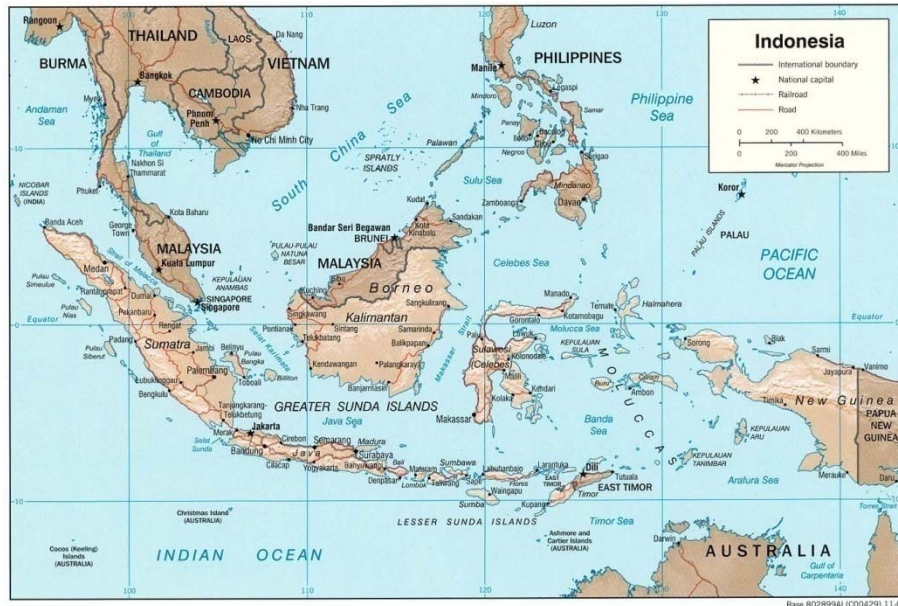
conservative globalist and defensive nationalists” to separate the Islamic groups from the secular and nationalist groups, which are now almost united.⁴⁸

The new strategy has worked well so far and the Islamic groups have become equipped with new instruments which obviously enhance their position against the status quo. However, due to the path-dependent nature of social process, the new strategy, along with the new set of instruments it introduced, has also transformed the main structure on which the Islamic groups were founded. To return to Kalyvas, such path-dependent developments may end up being harmful to the Islamic elites as well. Just like the church in Europe, the Islamic elites may fall victim to the success of their own strategy. Paradoxically, new speech and performance acts have increased the distance between the masses and the Islamic center. Thus, it is difficult to govern those autonomous actors and bodies that were created recently as part of the new strategy. It should be noted that the newly created institutions have come with their logic and socially interdependent networks are also offering different rationales. In other words, the speech and performance acts used by the Islamic elites against the secular threat, however, by increasing the distance with the traditional Islamic structures, may paradoxically contribute to the weakening of the strong link between Islamism and its followers. ■

⁴⁸ Ziya Öniş, “Conservative Globalism at the Crossroads: The Justice and Development Party and the Thorny Path to Democratic Consolidation in Turkey,” *Mediterranean Politics*, vol. 14, no. 1 (March 2009): 22.

WOMEN'S RIGHTS IN THE ACCOMMODATION OF SHARI'A-BASED LAW IN INDONESIA

Mustaghfiroh Rahayu



Historical Background

- In 1945 an historic decision was made to establish Indonesia as a “religiously-neutral” state. (At that time, Muslims were more than 90% of the population).
- Constitutional debate about the foundation of the Indonesian state was mostly between a group of Muslim leaders and Nationalists:
Pancasila
 - Originated on June 1st, 1945; the final version appears in the Preamble of the Constitution, August 18th, 1945.
 - The debate was re-opened after 1998 on the ‘seven words’. Pancasila was considered final, and the ideal form of Indonesia was as a unified republic.

Profile of Religious Diversity

(in %, out of around 230 millions people)

	2005 (Nat'l Survey)
Islam	88.58
Protestant	5.79
Catholic	3.08
Hindu	1.73
Buddha	0.60
Confucian	0.10
Others	0.12

The majority-minority situation is not uniform. E.g. Bali is a majority Hindu province; Manado is an overwhelmingly majority Christian; Eastern Indonesia in general have more Christians. Aceh: overwhelmingly majority Muslim.

But Within Each Religious Community, There is also Diversity – Muslim Example

- Mainstream, moderate Islamic organisations: NU/Nahdlatul Ulama (approx. 50 million members) and Muhammadiyah (45 millions).
- New organisations [after 1998]: FPI, HTI, MMI, etc., small in number but very vocal and assertive, the aspiration of Islamic Shari'a.
- Islamic political parties (five small parties, gained less than 20% total ballot in the last two elections).
- A semi-independent MUI (Council of Ulama), gets state funding, but now assumes an independent stance, pressuring the government on some issues.

Government Policies Related to Religion (Islam): 1945-1998

- 1946: The Govt established Ministry of Religious Affair.
- 1965: September 30 movement; failed communist coup d'état.
- Suharto's authoritarian rule started in 1967, following the failed coup.
- It was to survive until 1998 as the "New Order".

- 1974: Marriage Law, even though it is not exclusively for Muslims, but many said it was inspired by Muslim political aspiration.
- 1989: Religious Judicature Act.
- 1991: Compilation of Islamic Law enacted through the Presidential Instruction as a reference for judges elected in regard to 1989's Religious Judicature Act.

Reformasi

- In 1998 Soeharto was forced to step down through popular political movement (called *Reformasi*), and the transition to real democracy began.
- Much more freedom since 1998 ...
- ... but also more communal violence (ethnic, religious) [Ambon (Maluku); Poso (Sulawesi), Kalimantan, etc.]
- 2004: Direct presidential election \Rightarrow Indonesia was called "largest Islamic democracy".
- 2009: another peaceful election.
- After the fall of the authoritarian regime in 1998, the demand for democracy exploded.
- Some consequences of democratisation:
 - *More Freedom of Expression*: no need for publishing license for mass media; no need for a uniform ideological foundation of mass organisations (including for fundamentalist Muslim groups who were previously repressed and denied space for their political expression).
 - *Decentralisation* makes possible for certain districts/provinces to enact their own laws (incl. the so-called Shari'a law, although partially).

Policies Following the *Reformasi*

- 1999: Regional Autonomy Law.
- 2001: that law was implemented.
- 2004: amendment of the 1999 Regional Autonomy Law.

Indicators about Democracy: (Gallup Poll, Who Speaks for Islam?, 2008)

- Women should have the same legal rights and rights to vote as men:
 - Around 90%: Indonesia.
 - Around 87%: Iran.

- Around 70%: Pakistan.
- Shari'a (Islamic law and ethics) should be a source, but not the only source of legislation:
 - Jordan: 55%
 - Egypt: 66%
 - Iran: 13%
 - Indonesia: 14%

National Commission on Violence against Women's Report

- Between 1999–2009, there were 154 policies at the regional level, including provinces, districts and village that discriminate against women.
- They are involved in the criminalization of women (38), control over women's body (21), the limitation of Ahmadiya women's expression (9), the regulation on worship (82) and on migrant women workers (4).
- Almost half of those policies were passed between 2003 -2005, the years following social conflict in some areas.

Shari'a-based Law

- There are 21 regional regulations that control women's bodies, many of them related to the regulation on women's attire.
- This includes the regional head's decision that obliged Muslim women in that area to wear headscarves sometimes limited to Muslim women who are working as civil servants.
- Official in Hulu Sungai Utara, Kalimantan Selatan said: "the impetus of that regulation was the dream of a religious region. The way the people dress up is an easy way to determine the religiosity outside of other criteria."
- Also, many heads of districts where the regulations related to dress code were implemented, mentioned that those regulations were aimed to protect women.

Special Case: Shari'a Law in Aceh

- Aceh is the only province in Indonesia that implements Islamic Shari'a through special autonomy granted in 2001.
- The regulation regarding women's dress was implemented directly after the central government's decision on special autonomy.

- Recently, Aceh Barat Daya district implemented a new regional regulation that banned tight blouses and trousers. Many women have been caught as victims of this new regulation.
- *Qanun* on *Khalwat* (intimate relationship between two persons of opposite sex who are not married) in 2003.
- Even though this *Qanun* does not discriminate against women directly, in the implementation, punishment for women is more severe than for men reflecting the role of women as society's moral bearer.

At the Same Time...

- At the constitutional level, there was a need to upgrade the Compilation of Islamic Law into State Law.
- 2004: Counter Legal Draft of Compilation of Islamic Law.
- Due to the controversy caused by the CLD, Ministry of Religious Affair froze the discussion.
- Currently, there is an on-going movement to create a bill on Marriage as part of the Religious Judicature Act and amendment of the 1974 Marriage Law.

Current Issues

- The trend to develop a new regional regulation based on Shari'a is decreasing.
- Women's rights and Islam are discussed in political practice and at the constitutional level.
- In political practice, it was a big issue when Megawati Soekarno Putri wanted to be a president in 2004, but is not a big problem anymore.
- At the constitutional level: the amendment of 1974 Marriage Law and the upgrading of the Compilation of Islamic Law into state law.
- The question is should the state consider Islamic family law in the amendment? Why?
- When it is considered, should this law include women's rights issues? What are the limitations?

Modality

- The Gender awareness movement in Indonesia that started in 1980s was a great success; gender mainstreaming becomes policy in all government institutions.
- At the same time, Muslim gender activists are empowered. There are many institutions that have been established to spread gender

awareness among Muslims; LKiS (Institute for Study Islam and Society- 1997), Rahima (2000) and Famina Institute (2001).

- The growth of civil allows more space for dialogue.
- Threat: violence either from the state or Islamic groups.

So...

The Women's rights movement in Indonesia is quite successful compared to other Muslim majority countries, evident from women's great participation in public sphere. However, this success story does not guarantee the successful discussion of women's rights issues in Islamic family law. There are many factions within the Muslim community who are involved in dealing with this issue. It is the job of the government to facilitate a space for healthy dialogue among citizens, and at the same time, for the participants in the dialog to respect each person's dignity and rights. ■

ROLE OF STATE IN OVERALL DEVELOPMENT FROM SOCIO-ECONOMIC, POLITICAL, MORAL AND CULTURAL PERSPECTIVES IN THE MUSLIM WORLD *VIS-À-VIS* MALAYSIA

Professor Dr Khaliq Ahmad

Introduction

Despite the fact that Muslims dominate in nearly one-third of the world's countries and constitute around a quarter of the entire global population, Islam, today, is the most misunderstood religion. It is primarily because the Muslim-dominated/majority countries are primarily characterized by poverty, under-development, malnutrition and squalid conditions under tyrannical rules with a few exceptions. Islam with its dynamic outlook on life is expected to address all the issues of humanity - be they economic, political, social, cultural, moral or spiritual. I would attribute this as a case of poor governance -- a mechanism of governance that is not conducive to peaceful resolution of conflicts.¹ Thus a system of governance can be operated under one of the two mechanisms of governance (MoGs), one promoting harmony and unity, and the other perpetuating, or even creating, conflict.

Among the few Muslim-dominated countries that have succeeded on the global stage in addressing the above stated multi-dimensional issues is Malaysia, which despite having all other limitations of a heterogeneous/pluralistic society has succeeded as a model of economic growth. This miraculous performance of Malaysia since the latter half of the last century is not by accident, rather it is result of a well-thought-out, effective and timely strategy of governance. These policies addressed the needs and aspirations of a pluralistic, multi-religious, multi-cultural, multi-ethnic society which were found to be in conformity with the universal Islamic value system. The conflicts based on diverse socio-political and religious issues were peacefully resolved within the well-established framework of Islamic culture of tolerance, accommodation, humility and moderation. Most other countries in her situation whether following a conservative, liberal, moderate or pragmatic interpretation of Islam in policy implementation, failed because they did not have a democratically-oriented committed leadership under a system that was accountable, transparent, cooperative and was based on goodwill towards all.

However, it is presumed that the different policies followed by governments in different Muslim countries do reflect the universal Islamic

¹ M. Ariff Zakaullah, "Political Economy and Sustainable Development: Policy, Process and Progress, in *Malaysia at 50: Achievements and Aspirations*, ed. Syed ArabiIdid (Kuala Lumpur: IIUM Press and Thomson, 2008), 241-261.

values delineated above. It is also not unexpected that a few leaders might not fully endorse the Islamic value system in their policies. Keeping these differences in view, the following dimensions of the Muslim world are briefly highlighted.

Muslim World – A Scenario

In the absence of an ideal or perfect form of government that conforms to the tenets of Islam in all dimensions of economic, socio-political and the cultural life of Muslims, the compatibility of Islam to political systems based on democracy and good/clean governance is highly debatable now². In fact, the dismal performance of the Muslim countries that can be seen in their inability to evolve a proper environment for maintaining law and order and improving the quality of social and other humanitarian services is used to undermine the image of Islam in a world dominated by secular trends that are often anti-Islamic also. Neither the failures nor the achievements measured by the yardstick of prevailing material considerations can be used to prove Islam as a vibrant and dynamic faith. As a matter of fact, the utter failure of the existing institutions to address the issues of basic human rights and socio-economic deprivation can be blamed for the unrest and uprising of the people against their rulers. The most vital need is to establish a government based on distributive justice. The question is whether the politicians who form the governments can deliver this.

Allah (SWT) being the supreme authority created human beings specially members of the Muslim *Ummah* with the ability to call others for doing good and prevent others from doing evil. In order to perform this sacred responsibility entrusted by the Creator, the human beings are given full freedom to choose, work, respond and decide within the boundaries set by the religion of Islam. Obviously, a slave under bondage suffering from hunger and deprived of all other basic needs of life cannot perform the sacred responsibility of a vicegerent on earth (i.e., as *Khalifa*).

The performance measured by such indicators as Freedom Status (FS), Political Rights (PR) and Civil liberties (vide cols. 2-4, App. Table 1) clearly demonstrates that most of the Muslim countries with the exception of a few are not promoting responsible but necessary freedom of expression, freedom to participate in all activities and decisions that directly or indirectly affect their lives.

Unfortunately, with the exception of Malaysia, Turkey, Indonesia, Benin, Sierra Leone, Mali and Guinea Bissau out of nearly 53 odd countries (Table 1), all governments appear to be highly authoritarian in nature. The

² Abbas J. Ali, "Organising: Structure and Methodology," paper presented at ICMIP, Hilton, Kuala Lumpur (2007).

political systems pursued in these countries are in contradiction with Islam based on power-sharing (i.e., political democracy) through shura and mutual consultation, tolerance, peaceful coexistence and accommodation. Thus, the saying goes that power corrupts and absolute power corrupts absolutely.

Governance Amidst Poor Performance

The poor performance manifests itself in condoning corruption which also contributes to poor governance (vide Col. 9, App. Table 1). Although Islam has unequivocally condemned all forms of corruption and exploitation, most of the Muslim leaders in Muslim majority countries have dismally failed to adhere to the tenets of religion as enshrined in the Qur'an and the Sunnah.

The undemocratic-cum-authoritarian rulers in some Muslim majority countries have also failed to address the serious problems confronted by the minorities including women who constitute half of the population. The limited access to modern education and decadence in moral/spiritual development becomes obvious from the plight of both women and the minorities living in the Muslim countries for generations. This is partly explained by lack of education as well as direct participation of these groups in the socio-political and economic decision-making affecting their day-to-day lives. Islam does not endorse the policy of privileges. It strongly advocates respect, honour and dignity of life for all regardless of their social, political, ideological and economic differences. Unfortunately, some of the authoritarian-cum-democratically elected Muslim rulers perpetuate the policies based on exclusion rather than participation and isolation of the less-privileged. The poor are simply by-passed. The poor performance in ensuring distributive justice reflected in the Inequality Index (G, Col. 5), Gender Inequality Index (GII, col. 6) and deprivations (MPI, Col. 7) clearly substantiate what has been delineated above pertaining to the rights of women and of minority communities in the Muslim world (vide Col. 12).

As has been hinted above, a man can perform the role of a vicegerent if he is free to choose and decide without being constrained by a life of abject poverty. The extremely poor performance in the growth of per capita income in general among the low income Muslim countries, in particular, simply strengthens the fact that the poor are unable to participate in promoting welfare and development of the society. They are constrained to voice their genuine grievances before their authoritarian rulers who are always vulnerable to the pressure groups both internally and externally. The highly authoritarian governments in the name of stability (GS, Col. 11) are strong enough to garner support against the poor from their privileged partners in power. These undemocratic-cum-authoritarian governments in order to maximize their stay in office also seek support, either financial or political, from the so-called

bastions of power (feudal-system) and are highly unlikely to undertake reforms in favour of the majority i.e., the deprived.

In the absence of political power sharing (or political democracy – as practiced by *Barisan Nasional*) in Malaysia³, the wealth and income remain concentrated in a few hands ('G' in Col. 5). This is because political power brings economic power and social prestige. The open secret of 'money politics' is being perpetuated under authoritarian rules not guided by justice and compassion (*Al-Adl wa Al-Ihsan*) much emphasized in the Qur'an. The easy access to economic opportunities that is highly warranted for economic success either at the individual/micro level or national/macro level also works in favour of wealth/income concentration rampant in the Muslim world (EF, Col.13).

Access to knowledge based on technological advancement is found to be most instrumental in the development of civilization. Islam's past glory based on all branches of human knowledge such as, science, humanities, astronomy, geography, philosophy, economics, politics, sociology or any other branch is well recognized even by the West. Unfortunately, our extremely limited knowledge/access to information and communication technology (ICT), bio-science, nano-technology and emerging sciences does explain our backwardness and frustration particularly among the younger generation. The indicator based on Networked Readiness Index (NRI, Col. 10) clearly demonstrates that our access/knowledge in current digital world is not commensurate with our financial capability compared to other late-starters in development namely, Taiwan, South Korea and Singapore. Our super-oil-rich Arab leaders are still quite unaware of the tremendous benefits from the use of technology. In fact, most of the authoritarian-cum-dictatorial regimes are afraid of the younger generation thereby disregarding their potential and forcing them to become the easy recruits for the so-called-extremist camps.

³ "Barisan Nasional: Excellence-Glory-Distinction" at <http://www.bn.org.my/parties.html>, (accessed June 29, 2007). This website lists the following 14 political parties which are currently member of the coalition that forms the national unity government in the country: 1. The United Malays National Organisation UMNO, 2. The Malaysian Chinese Association MCA, 3. The Malaysian Indian Congress MIC, 4. PartiPesaka Bumiputera Bersatu PBB, 5. Sarawak United People's Party SUPP, 6. Gerakan Rakyat Malaysia GERAKAN, 7. People's Progressive Party PPP, 8. Liberal Democratic Party LDP, 9. Sabah Progressive Party SAPP, 10. Parti Bersatu Rakyat Sabah PBRS, 11. United Pasokmomogun Kadazandusun Murut Organisation UPKO, 12. PartiBersatu Sabah PBS, 13. Sarawak Progressive Democratic party SPDP, 14. Parti Rakyat Sarawak PRS.

The socio-economic development index as evident from the above table gives a clearer comprehension of the Muslim states as follows;

- Col. 1:** Trend in Human Development Index for 3 decades; the figs. in parentheses show the period covered other than 1980-'10. The first figs. for 1980 and the second for 2010: Based on Human Development report (HDR), [United Nations Development Programme] UNDP, 2010. HDI is a very comprehensive measure of overall economic performance in many dimensions as it takes into account a long and healthy life, knowledge and a decent standard of living based on purchasing power (vide col.8). The higher coefficients are for better.
- Col. 2-4:** FS for Freedom Status measured by a combination of many other relevant variables/indicators including Political Rights (PR) and Civil Liberties (CL); F, PF & NF for 'totally free', 'partially free' and 'not free' respectively: Based on 'Freedom in the World' by Freedom House. These variables take into account the prevailing political systems/parties, level/degree of democracy, human rights and freedom of expression etc. The lower values are for better.
- Col. 5:** 'G' for Gini Coefficient based on Income reflecting income concentration; the smaller the coefficient the better: Based on HDR, UNDP, 2010.
- Col.6:** GII for Gender Inequality Index, measured by loss in achievements, in three dimensions of human development -- reproductive health, empowerment and labour market; this also includes female and male population based on at least secondary education; parliamentary seats and labour force participation: Based on HDR, UNDP (ibid); the smaller the coefficients, the better the lower gap.
- Col.7:** MPI for Multi-dimensional Poverty Index based on intensity of deprivations; the lower the coefficients the better. Because of, perhaps, non-availability of relevant data, this information is missing for many countries. However, this does not mean the countries with no information (-) do not suffer from MPI. Usually such information as 'G' and 'Poverty' are considered very sensitive in many countries including Malaysia and most particularly in better-off/oil-rich Muslim countries: Source, same as above.
- Col. 8:** PC AAGR for Per Capita Annual Average Growth Rate for nearly four decades (1970-'08); this including 'G' variable means a lot in terms of quality of life, ineffective macroeconomic policies, concentration of sources of growth on few limited commodities

like oil in GCC countries, lack of diversification of the economic as well as socio-political instability. Here Malaysia and Indonesia stand alone: Source same as HDR, UNDP as above.

- Col.9:** CC for Control of Corruption. This takes into account other indicators for good governance; the coefficients range from -2.5 to +2.5 with higher values showing better governance; usually minus signs show poor economies with perverse corruptions involving private, public and household sectors: Based on Kaufman. D.*et.al.* (2009), Governance Matters (Various Reports).
- Col. 10:** NRI for Ranking in Networked Readiness Index (2009-'10) measured by 9 components namely; (1) overall market environment reflecting patents, innovation, ease of starting business based on taxation etc; (2) Political and regulatory environment reflecting effectiveness of legal framework in settling business-related dishpans, regulations; (3) infrastructure environment reflecting accessibility of digital content with measure of internal bandwidth etc; (4) individual readiness based lower cost of broadband, cost of mobile telephones, affordability based on income and many other relevant variables showing accessibility etc.; (5) Business readiness reflecting business telephone connection charges etc; (6) Government readiness reflecting online services; (7) individual usage showing internal bandwidth etc; (8) Business usage reflecting availability of new telephone lines etc; (9) Government usage reflecting sophistication in the development of government services etc.: Based on Dutta.S. & Mia.I (eds. of world Economic Forum), the Global Information Technology Report 2009-2010-ICT for Sustainability, WEF; this variable is also quite comprehensive and speaks for overall business/economic performance, level of awareness and of knowledge, literacy etc. related to cols.1-4 & 6-8 as above; the lower values show better ranking and vice versa out of nearly 133 countries. Malaysia is better wired than any countries in the Muslim world.
- Col. 11:** Gs for government stability measured by Government cohesion, legislative strength and popular support under democratic as opposed to authoritarian political system; this like the variables in col. 2.-4, also takes into account law and order situation having implications for rights of woman and of minority groups most particularly in heterogeneous societies: Based on International Country Risk Guide (ICRG), The PRS Group, Inc. (2009). The higher values show better stability that can also be interpreted as more authoritarian and firm control.

- Col. 12:** Eth for tensions related to ethnic issues: Source same as ICRG as above. This rating, like in col.11, indicates higher for better in terms of less ethnic related tensions and lower for worse e. g., Iraq, Pakistan and Sudan.
- Col. 13:** EF for Index of Economic Freedom, a very comprehensive indicator covering a wide range of other freedom related components such as: (1) business, (2) trade, (3) fiscal (4) monetary, (5) financial, (6) investment (7) labour (8) property rights, (9) government size, implying loss in economic freedom and coercive power of government and (10) freedom from corruption; this complex indicator also speaks for overall health of the economy (vide cols. 2-10)*

Malaysia's Economic Achievements As a Lesson for other Muslim Countries

By the level of income, Malaysia's ranking in knowledge-based economy (NRI) appears much better than her counterparts in the oil-rich Arab world. This is perfectly in conformity with higher economic freedom with greater priorities for private sector participation, so essential for higher growth rate and quality of life. Malaysia's fast-growing Islamic finance including market capitalization provided by Islamic banking and its subsidiaries along with Shari'a -compliant *Sukuk* Fund appears to be quite instrumental in promoting overall economic growth through business, Takaful (Islamic insurance) and many more of this sort. However, some of the innovative Shari'a-compliant Islamic products are still being debated. So, judged by the yardstick of all other very pragmatic as well as comprehensive criteria for measuring success, Malaysia stands in a relatively better position in the comity of nations based on the Islamic world view. Hence, it can be reiterated that just having faith in Islam does not ensure automatic i.e., instant success neither in material nor in the spiritual world.

The basic ingredients of success both in material and spiritual dimensions appear to be firm commitment, appropriate and timely materialization of that commitment manifest through hard work and pragmatic planning, people as well as welfare-oriented just governance, the spirit of tolerance, accommodation and moderation, among many others. The miraculous economic performance in Malaysia since the 1970s can be explained by the above stated preconditions⁴. The New Economic Policy

⁴ Farsightedness, Commitment, sincerity, honesty, integrity, moderation, tolerance, and hard-works, among many other Islamic values are the most essential ingredients for the emergence of Malaysia as a reasonably successful model in the Muslim world. Fortunately, all the leaders since independence in 1957 intimately share most of these universal values of Islam. Hence, only the genuine leadership with all the

(NEP) resulting from the Race-Riot of 13 May 1969 to address the multifarious problems of poverty and inequality in the ownership of the productive assets, confronted by the majority of the indigenous Malays, can be considered as the watershed in the development of modern industrialized Malaysia under Tun Dr Mahathir. Despite some of the shortcomings of NEP, the subsequent implementation as well as the timely revisions of some of its aspects i.e., gradual opening of opportunities to other races, particularly under the current leadership in the form of New Economic Model, is a step in the right direction for a pluralistic society as that of Malaysia based on multi-racialism, multi-culturalism and multi-ethnicity inherited from colonial legacy.

The various dimensions of New Economic Model encompassing Economic Transformation Programmes (ETP) and Government Transformation Programmes (GTP), as have been enunciated in the Tenth Malaysia Plan, do speak for the farsighted leadership with good governance (vide clos. 9-13, table 1). Perhaps, all other Muslim countries, regardless of their stages of development and geographical locations, have lessons to learn from Malaysia, in terms of most appropriate as well as pragmatic socio-economic and cultural policies, together with stable political system and effective democracy as pillars of national integration, compatible to Islamic world view as opposed to secular-cum-liberal world view. However, it will not be an easy choice between secular modernisation and cultural westernization vis-a-vis the state modernisation and development based on Islamic values of justice, tolerance, accommodation and peaceful co-existence. Only farsighted people-oriented leadership in the presence of all the pre-requisites of good and just governance has the potential to succeed as evident from the success case of Malaysia.⁵

Conclusion

Based on the discussion above, one can fairly conclude that Muslim societies are behaving in a wide ranging index of better to the worse. The Malaysian case based on many socio-economic performance indicators stands better if not the best. Despite the fact that the Malaysian society, in the midst of global

attributes of Islamic values is capable of formulating and implementing strategies that can fulfill the expectations of the people thereby minimizing the conflicts among the diverse competing groups in the society. For more details refer to a comprehensive study on the Political Economy of Development in the Muslim world, see Ataul Huq Pramanik, (2007). *Political Economy of Development – A Comparative Study of Regime Performance (in the Muslim World)*: Thomson Publications; Australia-Singapore.

⁵ The very recent political upheavals in the Arab world starting from Tunisia and Egypt followed by other countries of the regions namely, Yemen, Bahrain, Algeria, Libya and many more to come, clearly demonstrate the dire need for change by the people-oriented governments in the Muslim world.

economic challenge, needs many improvements, it still looks to the East like China, South Korea and Japan rather than the West that has been gradually deteriorating in the momentum of socio-economic growth and overall development.

Our new agenda-13 NKEA (National Key Economic Areas) has pretty much occupied our attention. Government has boldly taken a giant step towards ETP (economic transformation programme) to lead the nation to the status of developed nation by the year 2020 that was the vision of Malaysia (*Wawasan 2020*) set by our former political fathers. Lastly we wish and pray to Allah (swt) that Malaysia's socio-economic aspiration to become a developed nation by the year 2020 be answered. ■

CHAPTER V

ISLAM AND EDUCATION IN BANGLADESH

N.M. Sajjadul Hoque

Introduction

Bangladesh is a moderate Muslim democratic country where the approximate number of Muslims is 145.3 million, the fourth largest of the world constituting 89.6 percent of the total population of the country as of 2009. In terms of demography Bangladesh is unique as it is surrounded by Hindu India, Nepal, Bhutan and non-Muslim Myanmar. Experts like Richard Eaton, Asim Roy, Ali Riaz trace the evolution of Islamic ideals and practices in Bangladesh as of syncretistic nature influenced by Sufism and having rich traditions of religious harmony. In terms of state practice of religion in Bangladesh the status of Islam trails through the path of secularism, then state religion and now secularism under Islam remaining as state religion. Put differently, Bangladesh today can neither digest modernity by excluding religion nor can it digest religion by excluding modernity. The future of Bangladesh, for that matter, is wrought with anxiety as much as it is with hope. Islam and education in Bangladesh is facing the same incongruity. In all education branches of Bangladesh, it is required by the government since 1983 to teach Islamic studies. But this obligation is limited only to moral education which often side tracks the real spirit of Islam which has both worldly and moral role. Islamic schools with 35 percent of the total enrolment, find little support from the government. It seems that government's pledge to Islamic education is more or less rhetoric and often used to bag votes. Moreover, since the tragic event of 9/11, Islam faces a well-crafted Islamo-phobic propaganda across the world which often stigmatizes Islamic education system as breeding ground of terrorism. Bangladesh is not an exception in this regard where this phobia has been infecting our cultural paradigm as well as our education system. This approach is frustrating for the religious harmony and leaves the state prey to the entirely vacuous modernity vs. Islam debate. Use of religion in the cause of terrorism is nothing new which is often exploited by the deprived classes. However, in this paper the author will critically examine the present status of Islam and education in Bangladesh against the backdrop of the modernity Vs Islam debate to enumerate the prospective areas of cooperation or contradiction between Islam and the state as education is the most dominant ideological state apparatus.

The paper will shed some light on these questions. It is divided into four parts: 1) Islam in Bangladesh 2) Islamic education and 'war on terror' 3) The real fruit of Islam vs modernity debate and 4) what is to be done? Part I will present a concise description of the evolution of Islam up to the present day and sociology of Islam as religion in the context of Bangladesh's society. Then, I will detail the present state of Islamic education and its drawbacks in the changing context of 'war on terror' In the third part, I will enumerate Islam Vs modernity debate which is an important idea in understanding the nature of the present problem that we are facing as Muslim masses. Lastly, I will try to make some suggestions, synthesizing the previous chapters' finding on how to cope with the changing order and strengthen Islam and Islamic education to build a peaceful and prosperous Bangladesh which can be a role model for the world.

This paper is mainly written on the basis of the author's insight and the sources of information of this paper are basically secondary in nature.

PART-1

Syncretistic Tradition of Bengal Islam

Muslims started to reside in the Indian subcontinent as early as the beginning of the seventh century A.D mainly for business purpose. They got impetus when in 712 Muhammad Bin Qasim conquered the Sindhu region. After that they raided several times in India but never settled before the invasion of Muhammad Ghuri in the very first decade of the Thirteenth century. After that Turki and Afghan rulers came on the scene as *Sultans* and retained their control up to the Mughal conquest in 1526 A.D. when Muslims came into power, which does not mean that the rulers initiated mass conversion of the Bengalis into Muslims. Quite contrary to that, as Richard Eaton has shown in his seminal work, *The Rise of Islam and the Bengal Frontier, 1204-1760*, Muslim saints and Sufis were instrumental in Islamizing the deltaic southeastern Bengal, especially during the 16th and 17th centuries, by providing leadership in clearing forests and reclaiming land in the wake of a series of catastrophic turbulence caused by the shifting of riverbeds. The Sufis, so goes the theory, not only helped the indigenous tribesmen fight wild animals, especially tigers, but also taught them the use of the plough and bullocks and simultaneously introduced Islam, highlighting the concept of an almighty God or Allah, said to be much more powerful than the hitherto worshipped gods and goddesses.¹ But, Eaton explains, the dominant Islam was incorporated into the fold of Bengali culture, replete with Indic ideas of mythology, cosmology and

¹ Taj Hashmi, "The Shari'a, Mullahs and Muslims in Bengal," *Muktomana*, www.mukto-mona.com/Articles/taj_hashmi/Shari'a_mullah.html

theology. The religious equivalence granted to Hindu and Islamic godheads and prophets is not a mixture of beliefs; rather it is the contextualisation of Islam in Bengali terms, which incorporate non-Islamic characters and contexts and turn into some form of syncretism.

Sufia Uddin (*Constructing Bangladesh: Religion, Ethnicity and Language in an Islamic Language*) does not explicitly address the highly syncretistic nature of Bengali Islamic beliefs and practices. However, her primary subject of study and argumentation is to prove that orthodoxy is relative and not normative. Prior to the 19th century, the Qur'anic doctrines were predominantly transmitted orally, which Uddin argues is the *modus operandi* of the Bengali language. The oral tradition was, and arguably continues to be, a more prevalent means of transmitting knowledge. To illustrate this position, Uddin argues that the epic mythologies of the Puranas and Mahabharata were not traditionally read in its written Sanskrit form, but were rather narrated orally. As a derivative of Sanskrit, Bengali language thus promoted such practices as well. In this context, Uddin briefly discusses the theological similarity between Hindu and Islamic cosmology; however, her primary subject of study and argumentation is to prove that orthodoxy is relative and not normative. Uddin authenticates and legitimises Bengali Islamic practices as co-equal versions of Salafi Islamic orthodoxy and orthopraxy. The syncretic nature of Bengali Islam is acknowledged, but it is not recognized as a deviation from Islam's guiding principles. Thus, Uddin's pluralistic position questions the authenticity of a given orthodoxy or orthopraxy, and thus empowers syncretism.²

Asim Roy (*The Islamic Syncretistic Tradition in Bengal*) posits similar arguments that the lack of Islamic literatures in the local languages is the root cause for the development of syncretism by Bengali Muslims. Because the Bengali Muslims could not read the Arabic Qur'an or the hadith, they relied on oral transmission, which inexorably incorporated Hindu mythologies.³ More importantly, the mythologies mixed Hindu godheads and characters with Islamic ones. Prophet Muhammad (pbuh) was no longer considered just a moral prophet; he transformed into Nur Muhammad, who embodied Allah's light and thus was considered God incarnate. Aside from the transformations of Hindu mythological characters, the role of Yoga and its philosophical ontology played an integral role in the syncretism of Bengali Islam. According to Roy, "mediators" wrote the shared mythologies because Islamic theologies had to compete with the fantastical stories of Hinduism. As the mediators

² Uddin, Sufia M, *Constructing Bangladesh: Religion, Ethnicity and Language in an Islamic Language* (Chapel Hill, NC: The University of North Carolina Press, 2006), 125-127.

³ Roy, Asim, *The Islamic Syncretistic Tradition in Bengal* (Princeton, NJ: Princeton University Press, 1983), 45.

were not highly educated in Islamic theology- again because Islamic literature was not available in local languages- the stories were intended to be instructional, theological and mythical. Stewart Tony (*Fabulous Females and Peerless Pirs: Tales of Mad Adventure in Old Bengal*) adds further examples in support of the syncretic nature of Islam in Bengal. His tales of Satya Pir suggest that Satya Pir is the embodiment of syncretism between Islam and Hinduism, and often manifests himself in the form of deity, prophet and fakir. The tales make a conscious effort to equate the traditions into a singular heterogenous system of beliefs, myths and doctrines. Rama and Rahim--these two are but one; they are distinct neither in the heavens, nor in their qualities enumerated in the Qur'an and the Purana.⁴

Thus, the "vision of community", paraphrasing Sufia Uddin, expressed in Bangladesh is a result of language, post-colonialism, religion and culture—religion acting as a factor and not the sole factor which proves the drawback of the 'Two Nation Theory'. The Bengali language and the Bengali Islamic tradition of tolerance and flexibility are the trademarks of Bengali identity. But this syncretism does not mean that people in Bangladesh have always been secular, rather they are generally averse to the idea of mixing religion and politics⁵, but they have strong religiosity in their world view.

Islam in the Sphere of Bangladeshi Politics and State Practice of Islam

The separation of East Pakistan in 1971 from Islam-oriented Pakistan in the name of Bengali nationalism apparently signaled the departure of "political Islam" in Bangladesh. Soon after its emergence, Bangladesh adopted secularism as one of the state principles; but there was very little discussion on what it really meant. If the framers of the constitution meant separation between the state and the religious institutions, it should have been discussed and debated more robustly.⁶ Along with its proclamation regarding secularism, Bangladesh continued to assert its Islamic identity. Sheikh Mujibur Rahman in his first public speech in independent Bangladesh in 1972 proudly asserted that Bangladesh was the second largest "Muslim country" in the world. Bangladesh joined the OIC in 1974, even embracing Pakistan with enough cordiality.⁷ However, arguably, the process of integrating Islam more fully into the

⁴ Stewart, Tony K, *Fabulous Females and Peerless Pirs: Tales of Mad Adventure in Old Bengal* (New York: Oxford University Press, 2004), 128.

⁵ Interview of Ali Riaz, "Emergence of Islam in South Asian Politics," *The Daily Star* (Dhaka), January 14, 2011.

⁶ Ali Riaz, *Emergence of Islam in South Asian Politics*.

⁷ Taj Hashmi, "Bangladesh: The Next Taliban State?," *MuktoMona*, February 9, 2005), http://www.mukto-mona.com/Articles/taj_hashmi/bangladesh_next_taliban.htm

political sphere began as early as 1975, after General Ziaur Rahman assumed the presidency. He removed the reference to “secularism,” a fundamental principle of Bangladeshi nationhood, from the preamble of the Bangladeshi constitution and replaced it with a new clause asserting that “absolute trust and faith in the Almighty Allah” should be “the basis of all actions.” Zia also lifted the ban on religious political parties, thus allowing the Islamists a role within the political realm. Furthermore, to prove his own Islamic credentials, General Hussain M. Ershad, Zia’s successor, declared Islam the state religion in 1988. These military regimes, which took power through coups in 1975 and 1982, respectively, generally pursued policies of Islamisation to gain political legitimacy⁸ up to the demise of military rule in 1990.

The period 1991–2006 saw successful elections -- an external, formal aspect of democracy – but the system lacked substantive democracy. Prominent centrist parties gravitated towards the right for electoral considerations, while the left parties lost their popular appeal. Politics thus came to be dominated by right-of-centre and rightist political parties, which led to the rise of a widespread intertwining of Islam and militant politics. Over the same period, patrimonialism, i.e., patron-client relationships, came to define the political culture of Bangladesh, in particular it shaped the political parties and the leadership style.⁹ Islamist ideas have thus become more prevalent in the country's political discourse, a process spurred by the rising fortunes of the Jamaat-e-Islami (JI), the predominant Islamist political party. The two major political parties, the Bangladesh Nationalist Party (BNP) and the Awami League, have found it politically expedient to create space for political Islam in their own campaign rhetoric and to form short-term and long-term alliances with Islamist political parties. When the BNP ruled the country from 2001 to 2006, it formed an alliance with the JI, allowing JI members to hold cabinet positions for the first time. Although the JI has captured only about 6 percent to 8 percent of the vote in the past four elections, it is considered a kingmaker in Bangladeshi politics. Just before the 2007 election, the Awami League, which trumpets its secular credentials, found it politically expedient to reach out to the Islami Okiyo Jote, a smaller and more radical Islamist party.

After it came in to power in 2008, Awami league amended the constitution and brought back secularism as the state principle though retaining the symbolic *Bismillahir Rahmanir Rahim* and declaring Islam as state religion.

⁸ Ali Riaz, “God Willing: The politics and Ideology of Islamism in Bangladesh,” *Comparative Studies of South Asia, Africa and the Middle East*, vol. 23, no. 1& 2, (2003), www.cssaame.com/issues/23/24.pdf

⁹ Ali Riaz, *Islamic Militancy in Bangladesh: A Complex Web* (London and New York: Routledge, 2008), 172.

In terms of political culture, the main two parties often use communal propaganda against each other. For example, on the eve of the parliamentary elections in Bangladesh in October 2001, not long after the Nine-Eleven, posters on city walls in Dhaka emerged with images of Bin Laden and Khaleda Zia, portraying them as “friends”. Since losing the elections of 2001, Hasina has been projecting the government as illegitimate and the two Jamaat-e-Islami cabinet ministers as Taliban agents. On the other hand, the ruling coalition vilified Hasina and her party as “Pro-Indian” and “enemies of Islam”.¹⁰

It seems that the failure of secular liberal states in South Asia in terms of delivering developmental goods and services has delegitimised the states and the ruling blocs. This engendered an environment within which religion has appeared as both an ideology of the ruling class and as a counter-hegemonic project. On the one hand, the ruling elite have used various means to continue their hold over power including use of religion (General Ershad's decision to declare Islam the state religion is an example), while on the other hand religio-political forces have attempted to demonstrate that failure of the government is inherently connected to the secularist liberal ideology. One good example is Pakistan. In Pakistan it was the wavering between socialist rhetoric and Islamic symbolism of the government of Zulfikar Ali Bhutto (1972-1977) that created opportunities for the Islamists to colonize the political arena.

After the tragedy of 9/11, the war against terrorism launched across the world took Bangladesh also in its sweep. Several incidents of terrorism have occurred in the last decade. On August 17, 2005, Jamaat-ul-Mujahideen Bangladesh (JMB) conducted the most spectacular of these attacks, a coordinated series of bombings throughout the country. On November 29, 2005, at least nine people were killed in another series of attacks on Bangladeshi courts. Bangladesh government and civil society have been bashing Islam in the name of combating terrorism. The Appellate Division of Bangladesh's Supreme Court recently upheld the 2005 High Court decision to reinstate the ban on religious political parties, which was lifted in 1979 by the Fifth Amendment to the constitution. The Appellate Division dismissed two petitions challenging the High Court ruling, which had found the Fifth Amendment “illegal and unconstitutional.” It is unclear whether the decision will lead to the official banning of religion-based parties. The government banned compulsory *burka* wearing. The recent unified education policy is being taken as a threat to religious education. The religious parties hold that the Government has taken these steps to please the West, particularly the United States which has portrayed Islam as the enemy since the demise of the Soviet Union. These short sighted and egregious policies have created an environment within which frustration grows among the Muslim people and

¹⁰ Taj Hashmi, “Bangladesh: The Next Taliban State?”

they feel the crisis of their Muslim identity which will only strengthen terrorist forces that use religion in pursuit of their interest.

So, it can be concluded that the government on the one hand has failed to protect its citizens against terrorism and on the other hand brought them into the imbroglio of the war against Islam as a people whose world view is dominated by Islam.

PART-2

Islamic Education and 'War on Terror'

Islamic education faces the brunt of the war on terror as Madrassas where this is imparted are regarded as the breeding ground of terrorism. Government pledges to promote Islamic education is mere rhetoric as such. A recent exposure by Wikileaks shows how the Department for International Development (DFID) has been working with the US to change the curriculum of thousands of Madrassas as a "common counter-terrorism goal". The moves followed a proposal for a Madrassa "curriculum development programme" to the Bangladeshi government by the US government development agency, US Aid. It is to be mentioned in this connection that under US pressure, a process of removing Islam from Saudi Arabia's education system and its replacement by a tolerant religious surrogate has been going on for several years already.¹¹ The reform process is based on the idea that Islamic education is inherently violent and prone to provoke terrorism. They ignore the fact that there are ample examples of the youth with secular or non-Islamic religious educational background engaged in terrorist activities. Recently allegations surfaced against BJP's ideological parent organisation, Rashtriya Swayamsevak Sangh (RSS) that it was behind bombings for which Islamist youth and particularly Madrassa students had been blamed in the first instance. Swami Asimanand, head of an RSS-affiliated group, who was implicated in a bombing, confessed Hindu militants were involved in bombings of a train to Pakistan, a mosque and Sufi shrine and a Muslim-majority town.¹² It seems that Madrassa education or Madrassa students are blamed and made targets of the war on terror to hide governments' failure to serve the people. So we need to know the real picture of Islamic education in Bangladesh to understand the factual position. In the general education system the religious part mainly consists of Islamic studies taught up to S.S.C (10 years) level. In this system the curriculum is mainly focused on moral education derived from Qur'anic verses and Hadith and the

¹¹ "WikiLeaks: War against Islam. London tries to influence education system in Bangladesh," *Kavkazcenter*, December 24, 2010, www.kavkazcenter.com/eng/content/2010/12/24/13182.shtml

¹² Alastir Scrutton, "Congress, BJP trade barbs over Hindu terror, corruption," *Reuter* January 10, 2011, www.arabnews.com/world/article232424.ece

medium of instruction is Bengali. The general system enrolls the highest number of students. At the intermediate level Islamic studies is offered only to the students from Arts background. At the university level there are several departments specializing in Islamic education like Islamic Studies, Islamic History and Culture etc. The curriculum has been patterned on the key elements of the syllabi followed by the Dars Nizami Madrassas, where the subjects taught include Arabic, *Fiqh*, *Usul al Fiqh* and Hadith, history, and Islamic philosophy. However, the coverage of the Islamic traditional sciences is less here than in the Kamil or Dawah Madrassa courses. However, the completion of the Islamic Studies course currently prevalent in the universities can hardly be said to transform one into an Alim.

So it seems that in the general system, religious education gets little importance as a subject since there is no endeavour to update the curricula or train teachers. Most often there is no specialized teacher of religious studies in the schools; teachers from other disciplines fill in. The situation in the vocational system is no different. Passing a religious examination is just a formality.

The religious system of education is generally known as Madrassa (Muslim seminary) education. Let me briefly discuss the development of Madrassa education in Bangladesh over the last 200 years. Warren Hastings, the Governor General of British India, on the request made by the Muslims in 1780, asked Maulana Majduddin, an accomplished scholar of the traditional Islamic Sciences to prepare a course curriculum and to launch a Madrassa. The Madrassa took off in 1780 as a variant of the *Dars Nizami* curriculum. This curriculum, which historically served as a model for many Madrassas throughout the world, was developed in its original form for the Nizamia Madrassa of Baghdad, founded by the eleventh century Seljuq Vizier, Nizam-ul Mulk Hasan ibn 'Ali, during the Abbasid period.

There are two types of Madrassas in Bangladesh. One is *Alia Madrassa*, that is the Madrassas which follow the government approved course curriculum of a few modern subjects and a revised form of the *Dars Nizami* syllabus. On the other hand there is *Qaumi* Madrassas which follow the Deoband and most traditional/standard *Dars Nizami*. The *Qaumi Madrassas* are privately run. They do not receive any financial support from the government and are supported by religious endowments or by *Zakat* and *sadaqa*. While most of the *Alia Madrassas*, except for the three fully state controlled major *Alia Madrassas*, are privately owned and administered, the Government of Bangladesh pays 80 percent of the salaries of their teachers and administrators.

Here a chart is provided to depict the real picture:

Table-1
Enrolment in Madrassa (Post Primary) by Type,
Management and Sex – 2008

Types of Institutions	Management	No. of Institutions		No. of Teachers		No. of Students	
		Total	Female	Total	Female	Total	Female
Dakhil Madrassa	Private	6685	1017	98123	9908	2236025	1170220
Alim Madrassa	Private	1315	91	25634	1803	550813	253207
Fazil Madrassa	Private	1039	24	23336	1324	529952	197316
Kamil Madrassa	Public	3	-	82	2	2738	19
	Private	172	6	4792	175	13693	27903
Total Madrassa Education	Public	3	-	82	2	2738	19
	Private	9211	1138	151885	13228	3450483	1648646
	Total	9215	1138	151967	13230	3453221	1648665

(Source: BBS-2008).

The chart shows that there are only three *Kamil* Madrassas that are managed by the government. All others are privately managed. The number of female students is nearly half of the total enrollment which is unique in the Muslim world although the female teachers' number compared to the male is very low.

Government has no public data about the statistics of primary level religious education and of *Qaumi* variety. The number of primary level institutions is approximately 61 thousand.¹³ If we compare with the total education statistics of the general and vocational line, we find that religious education system covers 35 per cent of the total enrollment.

Now we come to the internal efficiency of the Madrassa education system.

¹³ Shah Abdul Hannan, "The Religious Education of Muslim Women in Bangladesh," *Witnesspioneer*,
<http://www.witness-pioneer.org/vil/Articles/education/ReligiousEducationMuslimwomen.htm>

Table-2
Internal Efficiency Rates at Dakhil (Secondary) Level in Madrassas

Year	Sex	Dropout Rate (%)	Completion Rate (%)	Survival Rate (%)	Co-efficient of Efficiency
2001	Both Sex	62.84	37.16	80.26	37.6
	Female	63.95	36.05	75.29	32.1
2002	Both Sex	80.01	19.99	49.11	24.5
	Female	83.80	16.20	48.73	19.6
2003	Both Sex	78.33	21.67	61.14	24.8
	Female	85.95	14.05	56.90	16.7
2004	Both Sex	77.23	22.77	45.37	28.8
	Female	85.50	14.50	37.99	19.3
2005	Both Sex	76.18	23.82	51.50	29.6
	Female	82.07	17.93	47.19	23.3
2007	Both Sex	57.06	42.94	61.93	50.9
	Female	63.69	36.31	59.70	43.3

(Source: Bangladesh Bureau of Statistics -2008).

The chart shows that the drop-out rate is very high and in the case of female students it is higher than male students. It seems that the poor students fail to continue their education because of poverty and lack of government support.

In the case of curriculum, we find strict dependence on extremely dated and classical texts. The Madrassas in Muslim South Asia teach a curriculum known as *Dars-i-Nizami*. The original Nizamia syllabus had represented a blend of *naqli 'uloom* (revealed sciences), including the Qur'an, the hadith, *Fiqh* (Islamic jurisprudence) and tafsir (Qur'anic commentary), on the one hand, and the *aqli 'ulum* (rational sciences), including Arabic language, grammar, logic, rhetoric, philosophy, astronomy, medicine, physics and mathematics, on the other. However, the Nizami syllabus, as adopted in colonial South Asia and as shaped by cultural and political forces, came to distinguish between

“religious” and “worldly” knowledge and to stress the “*Deeni*” sphere of knowledge to the neglect and virtual exclusion (until very recent decades) of areas of modern “*Duniyavi*” knowledge.¹⁴ Many commissions and committees have been formed since then to deal with the various aspects of public education and Madrassa education, but the courses basically remained the same and the Madrassa text books in *Fiqh*, *Usul-al-Fiqh*, Tafsir and Hadith have all remained essentially the same. Virtually no significant changes have been effected with the passage of time and significant shifts in socio-political and economic conditions both locally and globally. Contemporary texts and disciplines have not been included in any significant way in the Madrassa curriculum although the subjects of English, Science, Bangla, History, Geography, and Mathematics have been included in the lower stages of Madrassa education.¹⁵ Also, facilities for teaching all of the subjects and books are not usually available in all Madrassas. This is particularly true in the case of subjects such as medicine, mathematics, history, philosophy, prosody, and polemics. The result is that the students often have to move from one Madrassa to another to complete their curriculum. This also results in the failure of many Madrassas to institutionalize their grading and promotion procedures. As is well known, most of the books taught in this curriculum are very old. Books used in philosophy and logic, for example, were written in the thirteenth and fourteenth centuries. Medicine is taught through an eleventh-century text that is still considered an authentic study of human anatomy and pathology. In what we have described as purely religious subjects, the books used date back to the seventeenth century at the latest and the eleventh century at the earliest. Books prescribed for astronomy, mathematics, and grammar are more than five to seven hundred years old texts.

In most of the Madrassas there are no formal admission procedures, and academic schedules are often flexible. Some major Madrassas have, however, institutionalized their admission, grading, and promotion procedures and have established some degree of rigour in their academic schedules. The complete Nizami curriculum runs from seven to nine years after the completion of the elementary level. The entire system has been traditionally supported by the community through trusts, endowments, charitable donations, and *Zakat* contributions.

The picture confirms the argument that Madrassa education is the scapegoat at the expense of which the ‘war on terror’ successfully achieved its strategic goal in the post Cold War changing scenario. Madrassa students are

¹⁴ Dr Muhammad Abdus Satter, *Bangladesh Madrasa Shikkha* [Madrassa Education in Bangladesh] (Islamic Foundation Bangladesh, 2004) 120-129.

¹⁵ Dr AKM Azharul Islam and Professor Shah Muhammad Habibur Rahman, *Bangladesh School and Madrasa Shikkhaniti o Karjokrom* [Curriculum and Education Policy of Schools and Madrasas of Bangladesh] (The Islamic Academy, Cambridge, UK 2002), 25-29.

kept deprived, government shows no attempt to develop their educational facilities as well as content, but they are dubbed as anti modern and condemned as terrorists. Government and donor agencies make every effort to reduce the fall-out rate in mainstream education but do nothing in the case of Madrassas where the fall-out rate is alarming. Recently, the University of Dhaka promulgated a ban on Madrassa students that they would not be allowed in 24 subjects as they do not have the necessary courses of 200 marks in English and Bengali. Is it a problem of the student? They are neither the curriculum makers, nor were they informed earlier about the University authority's decision. So they are bound to feel deprived. The cause of their grievances is not their education but the way they are treated by the education authorities. If anyone exploits their grievances, it is not they who should be blamed or their Madrassa education but the authorities whose unjust policies creates a sense of frustration and deprivation among them, making some of them take the path of extremism. Further, one cannot blame Islam as anti-modern or against worldly knowledge since Islam exhorts a rigorous impetus for acquiring knowledge. Prophet Muhammad (pbuh) encourages Muslims to go even as far as China to seek knowledge. From early on, Islam has emphasized two types of knowledge, the revealed and the earthly. The revealed knowledge comes straight from God and the earthly knowledge has to be discovered by human beings themselves. Islam considers both as of vital importance. A Muslim, educated in this manner, would truly embody the Islamic ideal of a complete person. The system which separates one from the other is not recognized by Islam. All dimensions of knowledge are integrated with each other like parts of the human body.

PART-3

The Real Fruit of the 'Islam vs Modernity' Debate

We are seeing that in Huntington's perception of 'clash of civilizations' it is a war against Islam which is portrayed as anti-modernist as well as a threat to human freedom. It fears the role of Islam in politics, it fears Islamic education, it fears Islam. Against the Islamic ideal the West offers secularism and secular education which embodies the western concept of modernity. But the religion-politics nexus is not an anti-modernist phenomenon. The rise of religio-political forces in South Asia, as elsewhere, must be distinguished from religious revivalist movements. Take for example, the countries with Muslim majority populations where we have witnessed the growing strength of Islam as a political ideology and Islamists as formidable political forces within domestic political arenas. These societies had experienced occasional Islamic revivalist movements, some of which can be appropriately termed as 'fundamentalist.' Those movements emphasized the need for the spiritual

purification of the adherents. Fundamentalists, as individuals and as a group, are concerned first with the erosion of religion and its proper role in society. On the contrary, Islamism pursues political objectives. Let us be very clear, the advocate of Islamism provide a political response to today's societal challenges. Indeed their imagination of a future rests on reappropriated, reinvented concepts borrowed from the Islamic tradition. Islamists emphasise specific courses of action to improve their political power, and adopt various strategies to assert themselves on the social and political plane. These features are not unique to the Islamists. They are like any and all other religio-political forces. Be it an Islamist or a Hindutva ideologue, or a political Bhikshu, they draw on religious referents -- terms, symbols, and events taken from the respective religious traditions -- in order to articulate a distinct political agenda. But these signs and symbols are reconstituted, traditions are reworked, and norms are redefined. The use of history and traditions occasionally led analysts to believe that these movements advocate a retreat to a "glorious past" -- an anti-modern phenomenon and an anti-modernist movement. There is very little to support the claim that these forces try to 'de-modernise.' Instead, these responses are anchored in a modernist paradigm. Religion, as it is understood today with all the trappings of institutions, is the result of western modernity which regards religion with a monolithic viewpoint. The essentialist understanding of religion makes it monolithic. The adherence to some basic tenets by followers of a religion does not necessarily mean that there is no variation within the religion itself; instead every religion is multi-vocal; denominational difference is the most obvious indication of the presence of different worldviews but there are more than denominational differences. Social differentiation provides different interpretations of the religion and consequently shapes the role of religion in personal and social lives. There is no reason why Islam should prove different. There is nothing in the Qur'an that suggests that Islam is less open to democracy or equality of the sexes than either Christianity or Judaism. Nor is there any inherent reason why Islam should prove less able to accept the challenge of Change. It is entirely possible that it can formulate an alternative and effective theory of Modernity that integrates faith into a more realistic theory. Islam can modernise and accept the new, even from outside its own tradition. This is achieved through *Qayas* or analogy when a situation arises for which there is no obvious textual solution.

PART-4

What is to be Done?

There is no need to fall into the trap of Modernity Vs Islam debate unless there is a clear understanding of the two concepts. Seeking knowledge,

interpreting without decontextualising and engaging in debate are essential to counter misconceptions, misrepresentations and misappropriations of religion. In Bangladesh we should deal with it in a pluralist way in the backdrop of the syncretistic nature of Bangladeshi Islam.

Islamic education can impart both the moral and material knowledge efficiently. The Madrassa education system should be reformed with the changing pace of global education as Islam can adapt to any change which can bring good to human kind. A common Islamic education policy could be formulated for the OIC members in this respect.

Government policy follows the western prescription in every aspect of state mechanism from security to education. If we paraphrase Foucault, a prominent critic of modernism, it can be said that the west is imposing its knowledge and culture through its military and financial might. It is another kind of colonial domination particularly in the colonization of the ideological space. This crisis springs from the weakness of the state as a democratic institution that instead of relying on its people relies on foreign king makers. After 9/11 this weakness has become more apparent as the state openly tries to become a part of the western war machine both ideologically and materially. We have to get out of the box. As a state, Bangladesh should follow an independent foreign policy in pursuance of its national interests instead of serving the cohort imperialist agenda. Bangladesh cannot part ways with its Islamic identity; rather it should strengthen its relations with the Islamic world. Latin American countries have shown a good example in the shape of the Bolivian Alternative for Latin America (ALBA) that waters down the US-led neo-liberal order. A strong Muslim *Ummah* can be a suitable alternative for the peace loving people of the world based on “true commitment” of Muslims to one another. ■

THE JASMINE REVOLUTION: ISLAM AND THE STATE IN TUNISIA

Dr Rukhsana Qamber

Tunisia is a country of just 10 million citizens,¹ which makes its population as large as that of a big city in Pakistan such as Lahore. It lies on the southern Mediterranean and was part of the rich civilization of Carthage and the Roman Empire. Tunisia also has a healthy tradition of Islamic learning, represented by the great Mosque of Kairouan and the Madrassa Zaytuna, or the olive mosque. In the 9th century, the Mosque of Kairouan was established as a university that was a centre of education, both in Islamic thought and in the secular sciences. The city became a brilliant focus of Arab and Islamic cultures attracting scholars from all over the Islamic world. It may be said that Kairouan was a temple of knowledge and a magnificent centre of diffusion of Islamic sciences, perhaps only rivaled by the Zaytuna Mosque and Madrassa in Tunis. One of Kairouan's proudest sons was Ibn Khaldun.

With an enormously rich cultural heritage, the Jasmine Revolution of 2011 was not an ordinary upheaval. This paper provides a brief history of Tunisia and then describes the event that led to the revolution. A theoretical explanation is sought from the existing literature and key political terms are re-examined to view their applicability to this revolution. Brief comparisons serve to clarify issues in the analysis of political stability and the causes of instability.

Tunisia obtained independence from French colonial rule in 1956. It became a secular Muslim country led by a westernized bourgeoisie, with Habib Bourguiba as its founder and first President. Bourguiba remained in power until 1987 and helped set the future course of the country. In 1987, Bourguiba had apparently become old and unable to head the country, which served as an excuse for General Zine el Abidine Ben Ali. Ben Ali ousted him from power. Ben Ali stayed in power, despite periodic elections until 2011, i.e., for more than 23 years. Tunisia was doing very well economically with diverse sectors such as agriculture, petroleum, mining (phosphates), textiles, processed food, some electrical manufactures and tourism. Tunisia remains a 'liberal' society, a founding member of the World Trade Organisation (WTO). It has greatly benefited from European tourism and from remittances from approximately 1 million Tunisians working abroad. Its annual growth rate is about 5 per cent but its development needs a higher growth rate by about 2 per cent. The

¹ Rachid Mohamed Rachid's interview to *CNN Business 360*, in "Tunisia's Contagion Effect," posted by, John Defferios, January 21, 2011, <http://business.blogs.cnn.com/2011/01/21/tunisia's-contagion-effect/>

average income per capita is an impressive \$3,850. Tunisia has about a 15 per cent unemployment rate, which is made acute by a sharp and recent rise in university education, from 41,000 in 1986 to 357,470 in 2010.²

The basic reason for the Jasmine Revolution was unemployment among its youth. The question, therefore, arises: what is the nature of its present uprising? Was it a street revolt against Ben Ali's rule and its alleged kleptocracy? Was it popular dissatisfaction with democratic representation? Why do governments in many Arab countries feel threatened, especially from a broader range of aggrieved persons than contained in Islamist movements?³

The 2011 Jasmine Revolution in Tunisia has riveted the attention of the world. The term Jasmine comes from Tunisia's national flower and points to the nationalistic feelings of the street protestors. The Jasmine Revolution began in December 2010 with the suicide of a young man, Tarek al Tayyib Muhammed ibn Bouazizi. Initially the newspapers reported Muhammed as an unemployed university graduate. However, he had actually dropped out of school in order to support his family. At the time of his death Muhammed was 26 years old, and had a successful vegetable stall in the small town of Sidi Bouzid, 160 miles north of the capital of Tunis. His father was a construction worker in Libya, who had died of a heart attack when Muhammed was just three years old. After being widowed, Muhammed's mother married his uncle. Muhammed was the oldest of his mother's six children. His vegetable business did very well and helped support the family, including his stepfather, who is not in good health and cannot work regularly.

Muhammed Bouazizi had not completed high school and had to work off and on since the age of 10. The newspapers reported that he had wanted to study further, and was supporting his sisters, hoping that at least one of them would enter university. His vegetable stall attracted many customers and he was planning to buy a van for his business and, on the morning of the fateful event, had bought \$200 worth of produce. However, Muhammed had neglected to obtain one vital document to be a legally successful businessman: he did not have a licence for his vegetable stall and his wares had been confiscated before.⁴ Since he had spent a lot of money to buy fresh vegetables on the day of the event, Muhammed probably lacked the cash to bribe the police to obtain a quick licence and save his business.

On December 17, 2010 the Tunisian police in Sidi Bouzid, led by a woman inspector, raided the area around Muhammed's vegetable business and shut down his stall because it was unauthorized. The policemen also slapped

² US Department of State, "Tunisian economy" September 22, 2011, <http://www.state.gov/r/pa/ei/bgn/5439.htm>

³ Robert Fisk, "These are secular Popular Revolts," *Dawn*, February 21, 2011.

⁴ I am grateful for this piece of information to H.E. Mr. Mourad Bourehla, Tunisian Ambassador in Islamabad, April 2011.

him in the face and insulted him. According to Muhammed Bouazizi's mother, her son committed suicide because he had been humiliated and not because of their poverty. "It got to him deep inside, it hurt his pride," she said, referring to the police's harassment. The presence of the woman police officer may have added further insult to the injury of Muhammed's loss of his source of income but gender relations are not a great issue in Tunisia.

Soon after the confrontation, Muhammed went to the Governor to complain, but the Governor would not see him or listen to him.⁵ A relative, Mr Horchane later told reporters, "My cousin said, 'If you don't see me, I'll burn myself.'" ⁶

After being rebuffed by the Governor, Muhammed Bouazizi acquired a can of gasoline (or two bottles of paint thinner, according to newspaper reports). At 11:30 a.m. local time, less than an hour after the altercation with the female officer, he doused himself in front of a local government building, and set himself on fire. He did not die at once and was hospitalized. Muhammed's case caught public attention and he was visited in the hospital by the then-President Zine El Abidine Ben Ali. The president's visit focused media spotlight on the dying youth. Muhammed Bouazizi succumbed to his serious burn injuries on January 3, 2011.⁷ Soon, several other unemployed youth tried to emulate him, and at least one of them succeeded in his suicide. These desperate acts triggered the mass movement in Tunisia that came to be known as the Jasmine Revolution.

The newspapers presented the case succinctly: Tunisians in every town, large or small, came out onto the streets. They comprised a broad section of society, from the unemployed to the professionals, including lawyers, teachers and even school children. Seeing the crowds, the workers swelled the ranks of the street protestors. The slogans they carried expressed fulfillment of popular demands such as the right to work, to a fair share of the national wealth, slogans against corruption and nepotism, especially as the people knew that the President and Imed Trabelsi, his wife's families, held key positions.

⁵ "Post Card Tunisia," *Time Magazine*.

⁶ Rania Abouzeid, "Bouazizi: The Man Who Set Himself and Tunisia on Fire," *Yahoo News*, (accessed January 23, 2011).

⁷ Tunisia received much world attention in January 2011, for example, "Tunisian army chief warns against power vacuum," *Dawn*, January 25, 2011; "Protesters keep up pressure against Ben Ali's allies," *Dawn*, January 24, 2011; "Tales from the 'other Tunisia'," *Dawn*, January 24, 2011; "TV channel owner held for 'treason' in Tunisia," *Dawn*, January 24, 2011; Timothy Garton Ash, "Tunisia's revolution," *Dawn*, January 21, 2011; Mahir Ali, "The trouble with Tunisia," *Dawn*, January 19, 2011; "Tunisia on the way to Islamic rule: Iran," *Dawn*, January 20, 2011; "UN team to assess HR situation in Tunisia," *Dawn*, January 21, 2011.; "Violence claims 50 lives in Tunisia," *Dawn*, January 12, 2011; Gwynne Dyer, "Revolt in Tunisia," *Dawn*, January 18, 2011; "National Unity Govt Named in Tunisia," *Dawn*, January 18, 2011 and Dario Thuburn, "Tense Calm Returns to Tunisia," *Dawn*, January 17, 2011.

Initially, the Tunisian General Labour Unions confederation denounced the movement. However, as the uprising gained strength, the union workers jumped on the bandwagon of popular protest. The protestors' means of communication made the uprising instantly known across the globe:

Web-surfers began to set up conduits for information and details of action by using proxies which the web police could not censor. Tunisian migrants abroad played a particularly active role on the virtual front. The police forces, 130,000 of them, were overwhelmed and in several towns called on the army to back them up. The night of January 8-9, 2011 was particularly bloody. Dozens of people were shot dead across Tunisia, in Gasserine, Tala and Meknassi. Undeterred, the protesters refused to yield until the former general fled the country.⁸

The people of Tunisia erupted with jubilation, unfurling the red Tunisian flag and placing flowers on soldiers' guns. According to Amr Hamzawy of the Carnegie Middle East Centre based in Beirut, this was "the first popular uprising to succeed in removing a president in the Arab world. It could be quite inspiring for the rest of the Arab world."⁹ People began to exchange jokes following Tunisia's Jasmine Revolution, even if conditions in other Arab countries are quite different for their protests, the Tunisian case remains unique.¹⁰ The joke that began to make the rounds across the Middle East goes as follows: after Ben Ali and his family left Tunis for Saudi Arabia, stopping in Egypt to refuel on January 14, 2011:

"Ben Ali's plane is approaching Sharm el-Sheikh (Egyptian President Hosni Mubarak's residence on the Red Sea resort) not to land, but to pick up more passengers!"¹¹

But it is no joke that 78 Tunisians lost their lives to violence in the aftermath of Muhammed Bouazizi's suicide. The unrest continued for more than a month after his death on January 3, 2011. Mohammed Ghannouchi, the interim President, tried to calm popular anger but his promise to hold elections during the next six months did not satisfy them. The people insisted on a new face who would organise popular elections. Finally, Ghannouchi too stepped down on March 3, 2011 in favour of Beji Caid-Essebi, who will serve as interim President until elections are held within the next six months. He immediately banned Ben Ali's party, the RCD, confiscated all its resources, banned the secret police and asked [International Criminal Police

⁸ Farooq Sulehria, "Thank you, Tunisia," *News International*, January 21, 2011.

⁹ Ibid.

¹⁰ Hisham Matar, "Arabs are caught between two beasts," *Dawn*, January 23, 2011.

¹¹ "Tunisia's 'Jasmine revolution' jolts Arab world," *Timesofmalta*, January 15, 2011, <http://www.timesofmalta.com/articles/view/20110115/world-news/tunisias-jasmin-revolution-jolts-arab-world>

Organization] INTERPOL to arrest Ben Ali and six of his relatives.

Tunisia's example has had a most immediate effect on Egypt, one may add: as expected.¹² The Egyptian President Hosni Mubarak was in power for more than thirty years and Egyptians wanted him to go for good. They also did not want to see his son installed as President. In Libya, Muammar Gaddafi has had a similar long innings and he too has trained his son to take over the Presidency from him. When Mubarak left Egypt, analysts were eager to label this kind of unrest as the domino effect in the Middle East.¹³ Their proof is the calls for democracy in Bahrain, Yemen, Jordan, Algeria, Saudi Arabia and even as far away as Pakistan.¹⁴

The question arises: are these political upheavals really revolutions, especially the Jasmine Revolution in Tunisia? Or is it post-colonial revolt, subaltern resistance or post-Islamist change? By definition, a revolution is a complete change in a country's existing systems, political, social, class, economic and cultural. What the Tunisian youth is asking for is simply a complete change of the old guard politicians, and not an economic, social or ideological upheaval. Therefore, we may raise a set of additional questions:

- Are Tunisians calling for a change of government or a change of their political system?
- Are Tunisians asking to change their social set up or demanding religious freedom?
- Are they struggling against cultural domination of one class over the other?
- Do Tunisians want to change their economic system, with \$3,720 million Gross National Income, coming from exports of agricultural products, textiles, oil and a healthy tourist industry that leads to the average life expectancy for Tunisians as 73 years for men and 77 years for women?

Clearly Tunisians during the second decade of the 21st are not engaged in a revolution the way the Mexicans were during the second decade of 1910. The great Mexican Revolution was the first socialist revolution of the world,

¹² "Egyptians in fury against Mubarak's 30-year rule," *Dawn*, January 26, 2011 and "Egyptian opposition calls for Tunisia-style protests," *Dawn*, January 25, 2011.

¹³ "Tunisia is dire warning, says Arab League," *Dawn*, January 20, 2011; "The Tunisian spill-over," *Dawn*, January 20, 2011; "Jasmine Revolution Inspires Algerians," *Dawn*, January 23, 2011; Shahid Javed Burki, "Tunisia's ripple effects," *Dawn*, January 25, 2011, Mona Eltahawy, "Tunisia-the first Arab revolution," *Dawn*, January 18, 2011; Ahmed Khatib, "Mideast Rulers Watch Events in Tunisia With Fear," *Dawn*, January 12, 2011 and Babak Dehghanpisheh and Christopher Dickey, "Tunisia's Message," *Newsweek*, January 31, 2011, 26-28.

¹⁴ Karamutullah K. Ghori, "Tunisia: a wake-up call for Arab rulers," *Dawn*, January 23, 2011.

occurring well before the Russian Revolution of 1917. It was a revolution of the peasant against the land-lord, the industrial worker against the owners of capital, the great landlords and capitalists against foreign owners, artists against regimented art forms, politicians against the political system – all leading to new, collective forms of ownership and governance. For many years I was immersed in trying to answer the question why do nations undergo severe political upheaval after decades of tranquility? Mexico had experienced 30 years of political stability and economic development prior to 1910; Pakistan had undergone a Decade of Development during the 1960s until the civil war of 1970 and Tunisia also went through a similar stable experience during more than two decades, only to now face acute social unrest. A quick answer would be to refer to the revolution of rising expectations, i.e., that when people are doing well they want more, and by then they have achieved the ability to mobilize under a handy slogan of democracy. But how do we define democracy, especially from a theoretical perspective? In our case, Muhammed was not in despair due to his poverty but due to his failure to reach the Governor after his humiliation by the police led by a woman inspector and due to confiscation of his vegetable stall. His concept of democracy was that his voice ought to have been heard by the government and his grievance addressed by the state apparatus.

We may attribute the revolution of rising expectations to Tunisia's Jasmine Revolution, and also look for additional theoretical explanations. We may turn to the neo-colonial explanation, which emanated from Africa, for Tunisia's 2011 revolution. In a succession of theories that attempt to explain the underdevelopment of the former European colonies in Latin America, Asia and Africa, neo-colonialism was one of the first in the line of Marxist inspired theories. Kwame Nkrumah, the first President of Ghana in 1957 articulated the theory in 1965.¹⁵ He held that one had to understand (in postmodern terms, "unpack") the colonial structure in order to understand neo-colonialism.

Under colonialism, imperial domination had pervaded over the colonies and superimposed European culture and religion over local beliefs, including Islam. Significant decision-making took place in the imperial centre and the colonial power administered the colonies through its own citizens, bureaucracy, army, religious hierarchy, law, procedures, language, etc. The new form of colonialism, or neo-colonialism, that prevailed during the post independence period merely removed the physical presence of the colonial authorities and replaced it with different (other European countries) or additional colonial masters (USA and later the USSR) that operated from outside the country through proxies. Neocolonialists forward the economic

¹⁵ Kwame Nkrumah, *Neo-Colonialism: The Last Stage of Imperialism* (London: Thomas Nelson & Sons, Ltd., 1965).

and political interests of their own countries while they exploit the third world, leading to their underdevelopment, and widen the gap between the rich and the poor. Laws, procedures, language, etc., remained fundamentally unchanged from the colonial era. The local elite simply took the place of the colonials, remaining aloof from popular grievances.¹⁶

Neo-colonial control was most visible in Latin America, which had obtained independence during the first decade of the nineteenth century. Neo colonial theory, when applied to the late 20th and early 21st centuries, means that instead of a single European power colonizing an area in Africa, Asia or Latin America, four major powers, or a quartet, are in control: USA, Germany France and Britain.¹⁷ We found neo-colonial theory useful to examine Tunisian history but it was not pivotal to the occurrence of the Jasmine Revolution of 2011 as public anger focused only on the 23-year old national government.¹⁸

It is crucial to note that it was two prominent writers from the Middle East, Franz Fanon and Edward Said, had begun what is now widely known as the post-colonial discourse. Fanon wrote several books based on his experience in fighting French colonialism in Algeria during the 1950s: *Dying Colonialism and Toward the African Revolution*, the evocative *Black Faces, White Masks* and the most popular, *The Wretched of the Earth*. He sought 'claiming back' the histories of oppressed people. His reason:

Colonialism is not satisfied merely with holding a people in its grip and emptying the native's brain of all form and content. By a kind of perverted logic, it turns to the past of the oppressed people and distorts, disfigures and destroys it.... To fight for national culture means in the first place to fight for the liberation of the nation, that material keystone which makes the building of a culture possible.¹⁹

We may extrapolate that when the oppressed peoples' past is distorted, disfigured and destroyed, it creates a latent rage, especially among the youth.

¹⁶ This kind of a relationship is explored by the journalist Robert Fisk, "The Brutal Truth About Arab-West relations," *Dawn*, January 18, 2011.

¹⁷ Muzzafar Iqbal, "On Neo-colonialism," *News International*, January 20, 2011.

¹⁸ The theory of subaltern resistance aims to recuperate multiple identities in historical narratives that were fragmented by the colonial powers. It examines community identity, ethnicity, oral histories, etc. but were not central to the 2011 Jasmine Revolution in Tunisia see Shahid Amin, *Event, Metaphor, Memory* (Oxford and Princeton), Dipesh Chakrabarty, ed., *Subaltern Studies*, vol. VIII, Partha Chatterjee, *Nationalist Thought and the Colonial World* (Minnesota), Partha Chatterjee and G. Pandey, ed., *Subaltern Studies*, vol. VII (Oxford), Ranajit Guha, *Elementary Aspects of Peasant Insurgency* (Oxford), *Subaltern Studies*, vol. V and VI (Oxford), and with G. Spivak, ed., *Selected Subaltern Studies* (N.Y.: Oxford).

¹⁹ Franz Fanon, *The Wretched of the Earth* in B. Griffiths Ashcroft and H.G. Tiffin, *The Post-Colonial Read*, 154.

This could be one of the reasons for the Islamist discourse having held sway in Muslim countries during the past thirty years or so. However, during the 21st century we are discussing a post Islamist discourse that, interestingly, has also arisen in the Middle East. In summary the discourse highlights that the Islamist discourse for the recuperation of an Islamic identity, in countries such as Iran and Egypt, had not catered for marginalized groups such as women and the youth. Therefore, the marginalized have struggled, and have achieved success, within the confines of the overall Islamic ethos, for instance through “Islamic feminism.” Nevertheless, the post-Islamist discourse also postulates that the pressing grievances of the youth in large part remain unaddressed and are the basis for Muslim rage. Central to these grievances are the issues of undemocratic governments that are unable to alleviate the plight of the youth, minorities, etc. Asef Bayat has written several books in which he holds that the debate about how democratic or authoritarian is Islam, revolving around the issue of sovereignty, is unfruitful.²⁰

The shared frame of these opposing views tends to draw them into an often-sterile philosophical-theological terrain. In general, little effort has been made to understand the politics of religious affiliation, and how in practice Muslims perceive their religion in relation to democratic ideals... In this approach, the important factor is how the living faithful perceive and live through their faiths; and whether (in broad terms) they “deploy” their religions in exclusive and authoritarian terms or read in them justice, representation and pluralism.... Democracy cannot be “promoted” on top of a mountain of corpses.

In other words, Bayat engages in a chicken-and-egg analysis in which the intention of the practitioner is fundamental to the realization of democracy or despotism. In effect he points out that Islam is not antithetical to democracy and may, with proper reading, be supportive of pluralism, true representative government, and above all, justice. Thus, the people, not foreign entities, must be open to accept these concepts and be able to read into, and from, the Qur’an the functions of modern democracy:

Instead, a change in societies’ sensibilities is a precondition for a sustainable democratic turn. This can only be triggered through information and education ... by people from all areas of social life who ... excel in what they do.... Student organisations, youth and women’s groups, the intelligentsia, and other social movements can make Islam democratic. The “post-Islamist” turn can be seen in this respect as part of an unfolding historic

²⁰ Asef Bayat, *Making Islam Democratic: Social Movements and the Post-Islamist Turn* (Stanford University Press, 2007); Asef Bayat, *Life as Politics: How Ordinary People Change the Middle East* (Stanford: Stanford University Press, 2007); and Linda Herrera, *Being Young and Muslim* (New York: Oxford University Press, 2010).

process. The implication is that any initiatives for sustained democratic reform in Muslim world must have the agency of people in these societies at its very heart. Even the most painstaking reform efforts will yield little outcome if democracy is led - and seen to be led - from outside, even more so if through coercion and conquest.

It is clear that the people of Tunisia, highly literate as they are, and highly exposed to the outside world through tourism, knew exactly what they wanted from their government. The direct outcome of their Jasmine Revolution was not only the ouster from power of Ben Ali but also a completely new face in the interim government and a move towards representative government that would not entail a despotic Islamist regime. And this they achieved.

On January 30, 2011, one of their most well known political exiles returned home, but not with a heavy Islamist agenda. Rachid Ghannouchi, no relative of the Muhammed Ghannouchi, had returned to Tunis after 22 years of exile in London. It may be recalled that Ben Ali had banned his party two years after taking office. The Ennahda, is a moderate Islamist party and Ghannouchi has already made it clear that he will not run for public office of any kind. His party, which did not participate in the Jasmine Revolution may, however, contest the elections. In an interview with the London *Times*, he said that he believed that Islam and democracy were compatible and that Islamists had criticised him for this belief when he had first gone to UK:

I gave a lecture at Manchester University in which I said democracy should not exclude communists. At the time, this was rejected strongly by Islamists who saw it as accepting atheism. I said that it is not ethical for us to call on a secular government to accept us, while once we get to power we will eradicate them. We should treat people like-for-like. As the Prophet Muhammad, said, one should wish for his brother what he wishes for oneself. And Kant said you should use your behavior as your base for treating the rest of humanity.²¹

Let us now address the meaning of democracy in the 21st century. The concept of democracy, during most of the 20th century, meant representative government, for a fixed period of time, that came to power through periodic elections. The United States presented the ideal representative democracy, where presidential elections are held every four years. In the United States of America, officials hold power for as long as the people are happy with them

²¹ Arthur Bright, "Islamist leader Rachid Ghannouchi returns to Tunisia. What's his next move?," *Christian Science Monitor*, January 30, 2011, www.csmonitor.com/World/terrorism-security/2011/0130/Islamist-leader-Rachid-Ghannouchi-returns-to-Tunisia.-What-s-his-next-move

and when they become unhappy voters have the power to change their representatives during the next election. However, the American system was found faulty in which minorities and women were not adequately represented and even today the main problem is that the majority of Americans do not vote during the elections.

We also found that fair elections and the coming of democracy do not necessarily deliver the goods and services expected by the people.²² This is true of the United States, of Tunisia and of other countries. Thus we see a great divide between the concept of democracy and peoples' expectations of their democratic leaders. Democracy, we learnt from Professor Khalid Masud during this conference, in the Islamic world, involves deep analysis of the issues of sovereignty; sovereignty of God through the people and their representatives rather than sovereignty of God as interpreted by a select few. Application of the concept of democracy generally leads to the formation of a government that is elected by the majority of the citizens of a given community or country. Democracy achieved through periodic elections is no guarantee for the delivery of what we may call the three "Js," i.e., jobs, justice and jubilation/happiness:

Jobs: Today the world's great problem is unemployment and, underemployment or employment that does not fulfil people's expectations for a good life. Unemployment is a particular problem in the Islamic world where the population is growing and the youth form the bulk of the population. In the case of Bouazizi, he had been faced with unemployment. The Tunisian state had confiscated his vegetable-vending cart, which was his sole means of employment and he was the sole breadwinner for his family. His plight caused enormous sympathy in Tunisia and beyond. People today also face underemployment, which does not fit with their own ideas about how to lead a dignified existence. It is underemployment that is one of the main causes for migration: many people today can survive in their villages but they seek a better life in the city or in foreign lands.

Justice: People want their elected representatives to hear their grievances, and to address them in the near future. One could argue that his human rights and his dignity had been violated. Muhammed Bouazizi's grievance was that he had been insulted and humiliated. For him only the Governor could have restored his sense of self-respect – and his vegetable

²² Dr Imtiaz Bokhari touched upon the issue of delivering democracy in his presentation during this conference.

stall. It is, therefore, no coincidence that lawyers' movements have recently been very popular in many countries, including Tunisia, Egypt, Pakistan, and other parts of the Islamic world and beyond. Also, people in the Islamic world, disappointed with the slow delivery of justice in their post-colonial states, have sought speedy justice through Islamic law.²³ The Shari'a promises not only quick results it is also based upon a concept of dignity for the aggrieved parties. Desire for dignity is not restricted to Islamic countries and it may be argued that, for example, in China human rights is a vague term as compared to the concept of dignity. Perhaps what the world and the world's youth seek today more than human rights is dignity.

Joy: People, especially young people across the world desire to lead a happy life. It is apparent that the bulk of Tunisians were unhappy under the government of Bin Ali. They felt repressed; they wanted better jobs than what they had and they wanted better distribution of wealth. They saw that their leaders were happy which indicated to the general public that their happiness was at the expense of the common person and consequently their leaders must be corrupt. For these reasons, the people wanted to rid their government of all old faces among their leaders and continued the Jasmine Revolution with that demand well after Ben Ali had left Tunisia.²⁴ People in all walks of life wish for their grievances to be addressed and, in a nutshell, want to increase their happiness or joy of living. Here we may suggest revisiting the economic concept of basic needs in favour of a happiness quotient.

Some Middle Easterners are working towards redressing the grievances of their youth and we may say, increase their happiness quotient. For instance, the Dubai-based Abraaj Capital has launched an effort in the SME space late in 2010 to foster the creation of new enterprises. Its Chief Executive, Arif Naqvi, holds that the response by the youth in Tunisia is reflective of a wider challenge. "There are reasons why the unrest and upheaval in Tunisia happened. I think that economic disparity is part of it and I think that the more governments recognise and realise that the youth need to be productively channelled, opportunities need to be created for them."²⁵

The Secretary General of the Arab League, Amr Moussa, is also highly

²³ Muzaffar Iqbal, "On Neo-Colonialism," *News International*, February 20, 2011.

²⁴ "Thousands rally against Tunisia's new leaders," *Dawn*, January, 23, 2011.

²⁵ Rachid Mohamed Rachid, "Tunisia's Contagion Effect."

aware of the problem among young Muslims. He has used unusually blunt terms to jump-start a process that he considers has candidly taken too long to gather traction. "The issues causing the revolution in Tunisia are not far from the issue of this summit [held in January 2011], which is economic and social development ... The Arab citizen has entered a stage of anger that is unprecedented."²⁶ It was this rage that had caused Muhammed Bouazizi to commit suicide and his anger in turn had ignited the Jasmine Revolution.

To summarize, Tunisians, and others in the Islamic world and beyond, desire change and quick elections in order to remove the old guard and install new faces. They also wanted their elected representatives to respect human rights, provide dignity to the common person, and bring about a society where everyone would be happy. In short, people want their government to have a clean slate, officials who listen to their complaints, rule of law, equality for all, and a state that delivers justice quickly so that the people can lead a dignified and happy existence. In established democracies, these popular expectations are forwarded and filtered through civil society that operates through institutions. Civil society comprises associations and institutions that operate outside the state or governmental apparatus, for instance, political parties, trade unions, etc. They want speedy justice, for which the Islamic world has turned to the Shari'a.

The Tunisian Revolution has also highlighted that there is a big difference within the state's coercive institutions. The presence of the police, instead of the army, was a significant factor, in the incidence of Muhammed Bouazizi. Though both the police and the army are colonial legacies, yet the public views the army as being non-partisan and nationalistic.²⁷ Consequently, people across the Islamic world have welcomed the army instead of the police when political unrest has occurred. This situation is vastly different from that prevailing in other parts of the developing world, particularly Latin America where the army has generally been on the right of the political divide.

The topic of this conference: 'Islam and State – Practice and Perceptions in Pakistan and the Contemporary Muslim World' is most appropriate in the context of the Jasmine Revolution in Tunisia. How far do traditional concepts of *Khilafat*, *Ummah* and rule by consensus under the guidance of Qur'anic teachings and Sunnah guide governments, the establishment, political parties and the people in Islamic countries? How do they deal with so-called 'modernisation:' in a reactionary/defensive manner or in a progressive way? Who guides whom and how?

How far does the nation state concept or even Arab nationalism inhibit the progressive development of a confederate concept of the *Ummah*? The *Khilafat* Movement failed in British India and was superseded by the nation

²⁶ Ibid.

²⁷ "Mullen Visits Gulf States Amid Arab Revolts," *Dawn*, February, 21, 2011.

state concept. Thus we can say that collective movements – we can call this phenomenon “People ganging up” – do so easier at an ethnic or nationalist level. Beyond the present borders of the nation state, people “gang up” only as Islamists. Therefore, in Egypt and other Muslim countries the occasional ‘bread revolts’ last only for a moment and Islamist movements are suppressed, crushed, contained and/or controlled by co-option.

In Tunisia it seems to be more than just a ‘bread revolt’, against unemployment and rising prices. Post colonial reading of the Jasmine Revolution would be that it developed into a revolt against a corrupt establishment – and could lead to Taliban-like movements, without a military takeover. It may also be observed that in Tunisia and elsewhere, the protesters were more favourable to soldiers than to the police. Elsewhere the revolt against corrupt elites took a Taliban nature, but which could not develop a progressive outlook, avoiding the term ‘modern’, state and governance system. Also there are excessive expectations, the urge in Muslim societies for an honest and unfailing ‘Leader’ to appear and solve all their problems, instead of taking the matter into their own hands. There must be ‘consultation’, but in an organised and transparent manner, not being lead, but represented, not being consulted only via elections every 4-5 years, but in an inclusive manner. Yes, populist, nationalist, ethnic or sectarian demagoguery befooling, manipulating people is a problem, but these demagogues cannot govern, for long.

In the Internet age the sources of information can never be totally controlled, neither can an economy prosper if information is “imprisoned” or is not freely accessible in a state. Interdependence developed democracy; interdependence will see now imperialist dominance crumble. We must develop synergy via pluralism, not dogmatism, leadership and education, and learning by continuous consultation. But the road is most difficult.

The Jasmine Revolution is a national issue in Tunisia represented by the Jasmine, its national flower. It had little foreign instigation, though the media coverage it received in the international press may have sustained it. The revolution represents the anger of the youth, so much so that some youth are ready to commit suicide, an act prohibited in Islam. Thus, we must recall Bayat’s words that democracy cannot be “promoted” on top of a mountain of corpses. The youth’s enthusiasm must be respected, even if they wish for their country to outdo the United States. We call that at the height of the Jasmine Revolution, the youth invented many inspiring slogans. One of the signs in English, a bit cheekily, referred to President Barack Obama's "Yes, we can" campaign slogan with:

“They [Americans] said ‘We can,’ Tunisians say, ‘We DO!’”²⁸ ■

²⁸ “Tunisian prime minister pledges to quit politics,” *The Washington Times*, January 21, 2011.

CHAPTER VI

REMEMBERING A DYING COMMUNITY IN EGYPT

Ashraf M. Sadek

Islam, which espouses a vision of enlightened moderation, has been concerned with promoting and encouraging tolerance towards all religious minorities. It has also been concerned with introducing teachings that emphasise the values of compassion rather than religious rituals.

In Egypt, the Arab world's most populous country, Islam has taught the Egyptians how to behave, how to treat religious minorities such as the Christians and the Jews, how to treat women, how to treat neighbours, and how to understand religious differences with the other.

Although the Jewish community in Egypt is dying nowadays, it was once one of the Arab world's most flourishing Jewish societies thanks to these teachings, which Islam has stressed and emphasized over the centuries.

In today's Egypt, the Jewish community has shrunk to just about 80 persons scattered between Alexandria and Cairo from about 70,000 at its peak in 1947. The exodus of Jews from Egypt was prompted by the Arab-Israeli conflict, especially in the 1950s and 1960s, and not by religious differences as many Orientalists claim.

It is no wonder that the Jewish community has produced successful artists, politicians and bankers, who enriched Egypt's culture and economic life during the nineteenth and twentieth centuries.

Although the Jewish migration has taken its toll, the Egyptians still treasure the contribution of *Jacob Sannua*, *Camellia*, *Daoud Hosni*, *Raqia Ibrahim*, *Togo Mizrabi*, *Laila Murad*, *Munir Murad*, *Nigma Ibrahim* and *Nagwa Salem* to their cultural life.

These Jewish but Egyptian artists are still remembered for their contributions and accomplishments in their country while their co-religionists were being persecuted and killed in Europe.

The many Jews, who have lived in Egypt for thousands of years, have contributed to various aspects of the Muslim Egyptian society, which treated them well and gave them every possible chance to flourish and excel in every respect. They have made a name for themselves in arts and business because they were in Egypt which over its long history has known no prejudice, or racism.

Their success and their own words dispel many of the Orientalists' falsehoods about maltreatment of Jews in Muslim Egypt. Because of the tolerance they enjoyed under Islam, the Egyptian Jews became true Egyptians rather than living as a Diaspora. And that still continues to the present day.

I first developed an interest in Judaism and the history of the Jews because of the many verses in the Holy Qur'an pertaining to them. This led me to want to know more about Jews and the historical relationship between Judaism and Islam.

The Cairo Genizah, the hidden cache of thousands of Arabic and Hebrew manuscripts that were discovered in the late 19th century in the Ben Ezra Synagogue in Old Cairo, is a trove of information that substantiates that the members of the Jewish community have enjoyed a prosperous religious, cultural and economic life in Egypt during the medieval and modern times. Moreover, there are more than 100 Torah scrolls, most of them from the 19th century and the beginning of the 20th century -- not to mention the synagogues, such as Ben Ezra, Harambam, Eliahu Hanavi.

Nowadays, for example, when a Jew dies, the preparations for his/her burial are made by Muslims. They use burial shrouds (*Takhrikhim*) imported from Israel.

The Egyptian Jews speak Arabic with the locals, French among themselves, and English with guests. They do not know Hebrew, except for some words in their Holy Books. They say they will not leave Egypt because the familiar ways are stronger than the desire to make *aliya*, especially at their age.

In Egypt, Jews, Christians and Muslims have been and are still the best of friends and neighbours. Jews lived and flourished in Egypt under Islam, as they did in many other Arab countries and as they had from the period of the Islamic Middle Ages until the declaration of the State of Israel in 1948 and even afterwards.

For almost 400 years, Egypt was a province of the Ottoman Empire. Mohammed Ali Pasha, who was a former officer of the Turkish Army, became the Viceroy of Egypt early in the 19th Century (1805-1848) and established a dynasty of kings, the last one being King Farouk.

In his efforts to modernise the country, Mohammed Ali Pasha invited foreigners to settle in Egypt in order to contribute to its development. The opening of the Suez Canal in 1869 increased the influx of foreigners, and especially Jews who lived in other areas of the Ottoman Empire, particularly Turkey and Syria.

By the end of the 19th Century, there were scores of rich Jewish families, a phenomenon, which did not exist in other Middle Eastern countries. The earliest known rich family was that of the Cattauis who were believed to have come from Holland. They were the first Jews to leave *Haret el Yaboud* (Jewish quarter) and to live in Shubra, which at that time was a new suburb of Cairo. Other areas where the Jews built and moved include Maadi, Zamalek, Heliopolis, and Garden City, Roda, and Giza.

The oldest established families functioned as "*Safari*" moneychangers, coin testers, and collectors of taxes. The transition to regular banking made it

possible for them to reach high positions in the Egyptian government. Jews contributed to the development of the Egyptian National Bank, Egypt Credit Foncier, Misr Bank, and the Mosseris established their own bank, J.N. Mosseri & Compagnie. These banks assisted in international trade, land development, building of industrial plants and infrastructure etc.

Sephardi Jews coming to Egypt during the later part of the 19th Century and early 20th Century went into commerce and started opening department stores. It is noted that marriages among the wealthy Jews tended to be frequent. While many of these *Sephardi* Jews were sophisticated in high finance, they included a respectable number of scholars, many having attended European universities.

Besides focusing on the development of the economy of the country, the major families presided over Jewish communal affairs, in Cairo and Alexandria and were involved in philanthropic activities. Because of close relationships with European businessmen, they were able to persuade them to invest in Egyptian enterprises.

In spite of their small number, Jews dominated the financial and economic life of Egypt. Other nationalities which were involved in this development were the French, Belgian, British, Greeks, Italian and Armenians. Each group had a specialty, but Jews dominated banking. During World War I and World II, Jews developed local industries, which contributed to the national income and created jobs for Egyptians. As recognition for their efforts, the Egyptian rulers gave many members of these Jewish families the title of “*Bey*” or “*Pasha*”.

From the Cattai family, one of the first known Cattai was Youssef (Joseph) who wrote two volumes on the history of the world and a history of Egypt in Hebrew. The family was involved in the financing of the railway system in Upper Egypt and public transportation.

Joseph Aslan Cattai (1861-1942) who studied engineering in France contributed to the development of the sugar industry. He was a member of the Egyptian delegation to London to negotiate the independence of Egypt. He published in French a book defending the economic policy of Khedive Ismail who, because of his extravagance, almost ruined the country. He was nominated finance minister of Egypt in 1924 and later appointed as a Senator and presided over the Jewish community in Cairo. His son Rene Cattai took over the management of the sugar refinery of *Hawamdiab*. Rene Cattai, who wrote a three-volume history of Egypt under Mohammed Ali, tried to re-establish with Rabbi Haim Nahum Effendi the Societe d'Etudes Historiques des Juifs d'Egypte.

From the Cicurel family, Moreno Cicurel, a *Ladino-speaking* Jew from Izmir, Turkey came to Egypt in the later part of the 19th Century. After working in a store owned by a Jew called, “Au Petit Bazar”, he established Les Grands Magasins Cicurel near La Place de l'Opera, which was in the heart of

the city. In time with the assistance of his three sons, it became the largest department store in Cairo and other cities. They opened another chain of stores, Oreco, where the prices were moderate. Salvator is better known since he took over the presidency of Cairo Jewish Community in 1946, from Rene Cattai. Salvator Cicurel was the last president of the Jewish community. He was the head of the Egyptian Chamber of Commerce and was involved in other economic activities. He was also a distinguished sportsman. He was a champion fencer and golfer, and was selected to be the captain of the Egyptian fencing team at the Olympic Games of 1928 in Amsterdam, where they reached the finals. His niece married Mendes-France who became the Prime Minister of France.

Other major rich Jews in commerce include Douec, Haim, Mizrahi, Najar, de Piccitto, Romano, Aghion, etc... It is to be noted that the name of the department store, Cicurel, is still in use today. Other well-known department stores with Jewish ownership include Chemla, David Ades, Benzion, Gatteino, Simon Artz (Port-Said), Chalons, Morums, Pontremoli, etc.

The Mosseri family came from Livorno, Italy, and established the well-known Bank Mosseri. One member of the family, Victor Moise Mosseri, an agronomist by training, contributed a great deal to the development of cotton, by saving the crops from parasites.

Eli N. Mosseri reorganised the Egyptian Cement Company. Joseph Vita Mosseri Bey founded the Josy Film Company in 1915, which developed into the largest company in the Egyptian film industry.

Other rich families include the Suares, who had an important square in Cairo named Suares Square. The Menasce family established the Menasce Free Schools. One member of the family was elected president of the Alexandria Jewish community. The Rollo family was involved in the Helwan railway, and Robert Rollo became director of the National Bank of Egypt.

Joseph de Picciotto Bey - contributed periodically to al-Muqattam newspaper, where his economic and financial studies were well received. Eli Politi founded and directed *L'Informateur financier et commercial* and played a part in the establishment of the daily *al Lîsr* which became one of the most important Arabic-language papers;

Joseph Smouha was responsible for the construction of Smouha City built over reclaimed marshes in the coastal city of Alexandria. He is also well known for having built a race-track in Alexandria.

Jewish businessmen began losing their dominant position with the conflict in Palestine. In time, many of the board members of industrial and agricultural organisations were replaced with Egyptian directors.

All those rich families left Egypt during those eventful years, and many of them settled in Switzerland and Southern part of France.

According to many modern historians it was not until the involvement of Egyptian Jews in acts of espionage and sabotage on behalf of Israeli intelligence, including the Operation Susannah (also known as the Lavon Affair in reference to the then Israeli Defence Minister Pinhas Lavon) in 1954, that Jews, whether sympathetic or opposed to such Zionist affiliations and behaviour, started to feel unwelcome in Egypt to the point of wanting to leave the country.

There were reports of “individual assaults” against Jews in Egypt in the wake of the 1948 War, but prior to the war during the early decades of the 20th century there were several Jewish papers and magazines being printed in Egypt, and until the early 1950s there even was a *Yiddish* programme on Egyptian state radio.

While most of the Jews left Egypt after the establishment of Israel in 1948 and the 1956 Suez War, a good few thousand stayed on and lived in the face of growing signs of hostility. This had previously been unknown according to own accounts by Egyptian Jews, who have been the most immune of all Jews in Europe if not the world.

According to the 1987 memoirs of Shehatah Haroun, a well-known Egyptian Jewish lawyer, the establishment of Israel in 1948 and the consequent emigration of hundreds of thousands of Arab Jews to the new state and the parallel beginning of the Arab-Israeli conflict led to Arab governments -- Egypt's included -- changing their attitude towards the Jewish minorities that had previously been perfectly accepted as citizens like any other community.

While Haroun, who died in the late 1980s, lamented this change in attitudes, he also saw its rationale. Following the establishment of the State of Israel and its aggressive actions against the Palestinians, Haroun recalled the beginnings of “anti-Jewish sentiments that were completely different from the anti-Semitism” that brought about the Holocaust against the Jews in Europe. In Egypt, he wrote, “the perception and image of a Jew was greatly affected by the appearance of the Zionists”.

And Haroun -- still celebrated by Egypt's dwindling Left -- felt bitter about being rejected by the Egyptian army at a time when he, like other patriotic and mostly secular Jews, wanted to do what every other Egyptian man was doing, namely fighting Israel. In his memoirs, he states that his identity, not necessarily shared by other Egyptian Jews especially after the declaration of the State of Israel, was that of a Jew and a leftist, but also and “above and before everything else, an Egyptian”.

According to Haroun's account, shared by many historians and official Egyptian records, after the 1967 defeat there were no more than 300 Jews remaining in Egypt. However, he was determined to be one of them, whether for better, as is demonstrated by his sympathy for his fellow Egyptians, or for worse, as Egyptian Jews were becoming increasingly subject to harassment from the security services at the time.

In Egypt today, there are no more than 200 Jews. Mostly consisting of elderly women and men, the Jewish community of Egypt today perceives itself as “an empty nest with no young members.”

This meagre presence offers only a tiny glimpse of the multilayered presence Egyptian Jews once had in the country, when they were part and parcel of every echelon of society. Rich Jews, with well-known names like Rolo, Cattawi, Menashe, Soares and Mosseri, who are known to have demonstrated patriotism in the face of British colonisation and less well-known ones like Leon Castro, lived in the upscale neighbourhoods of Cairo and Alexandria and contributed to the cultural, economic and political activities of Egypt. Poorer Jews lived among the rest of the economically disadvantaged Egyptian population, while preserving their distinct religious identity.

In his book, *Jews but Egyptians* published in 2006, Suliman al-Hakim pays tribute to the many contributions Egyptian Jews have made to the country in the 20th century, particularly to the arts, cinema and press of modern Egypt.

In his book, *Jews and Cinema in Egypt* also published in the same year, historian Ahmed Raafat Bahgat gave a list of Egyptian-Jews, who have been very successful theatre and movie actors and actresses, singers, music composers, directors and producers to prove to the whole world that Egypt and the Egyptians have always respected the members of non-Muslim and minority groups, who lived with them.

In this book, Bahgat is of the view that the Jewish artists, who were very close to the Egyptian society and distanced themselves away from the Zionist beliefs, had every possible chance to succeed in their musical, theatrical and cinematic careers.

“The Egyptians did not take a negative attitude towards this singer or that actress because they were Jews. These Jewish artists did not succeed because of their talent alone. But, they became successful and famous because there was a battery of non-prejudiced and creative Egyptian producers, directors, songsters, music composers and scriptwriters, who believed in their talent on one hand, and wrote and tailored roles that perfectly suited their singing and acting capabilities on the other,” Bahgat wrote.

The legendary singer and actress Laila Mourad, for example, a Muslim convert, and Neigumah Ibrahim, who died a Jew, are both praised by al-Hakim for their patriotic attachment that bypassed any religious affiliation. On the other hand, Rakiyah Ibrahim, a movie star, is criticised by the author for “leaving Egypt to join the Israeli diplomatic mission to the UN” in the wake of the establishment of Israel. For al-Hakim, the difference in the behaviour of Laila Mourad or Neigumah Ibrahim and Rakiyah Ibrahim was typical of splits

within the Egyptian Jewish community over the establishment of the State of Israel and the beginning of Israel's wars against the Palestinians and the Arabs.

"The community of Jews in Egypt before 1948 was very complicated; part was Rabbanite and part was Karaite; part was wealthy and prominent, and part was poor and Egyptianised. And in this community Zionism was present, but only as a very small phenomena," says American scholar and historian Joel Beinin of Stanford University, author of *The Dispersion of Egyptian Jewry*, a book that offers a panoramic account of the culture, politics and lives of Egyptian Jews, especially after 1948. The first edition of this book in English, appeared about ten years ago. It was translated into Arabic last year amid growing interest in the issue of Egyptian Jews that Beinin himself finds somewhat unexpected. This sudden interest has prompted Cairo bookstores to cater to an increasing demand, going beyond researchers and historians, for books on the lives of Jews in Egypt.

Along with the books by Beinin, Haroun and al-Hakim, Cairo bookstores have been stocked with other titles on Egyptian and Arab Jews over the past few years, including Mohamed Aboul Ghars's *Egypt's Jewry: From Prosperity to Diaspora* and an Arabic translation of Jacques Hasoun's *L'histoire des Juifs du Nil*. Most recently, there has been the publication of Lucette Lagnado's 2007 book *The Man in the White Sharkskin Suit*, which examines the "lavish" lifestyles of Egyptian Jews living "en ville" when "Cairo was a place of pleasure," and where Jews on the eve of Shabbat would walk "in elegant suits... to the synagogues carrying their prayer shawls, prayer books and skullcaps".

"This was a Cairo in which the Government would send a representative to celebrations of Jewish holidays," Lucette Lagnado wrote.

These books bear witness to the lives of comfort and even splendour that the Jews enjoyed in Muslim Egypt before they left, despite complaints about how they were treated in Egypt in the years between the 1948 and 1967 wars. This comfort is made all the more stark by comparisons to the hardships the Egyptian Jews faced during their first decades in Israel, not just as a result of the socio-political structure of the new state, but also because they were Sephardic and not Ashkenazi and therefore were the object of discrimination.

Today, walking through Egypt's old Jewish quarters, or passing the upscale buildings that well-off Jews once occupied, visitors will see few remaining signs of the past. Only the synagogues -- mostly poorly preserved, like many other Coptic and Muslim monuments -- and the old Jewish school in al-Abbasiya in Cairo remain. The latter building now partly serves as a community centre for Egypt's remaining Jews, and volumes of religious, civil and historical documents are kept there, though these are off limits even to Jewish researchers.

If there are few Jews remaining in Egypt, Yousseif Benjamin may be the last of a dying breed. Benjamin, in his mid-70s, is the only remaining Jew in the

Mediterranean city of Alexandria, where the giant Nabi Daniel Synagogue stands idle near el-Ramallah Square.

Today, the Jewish community in Alexandria has only Benjamin. Three Jewish women have died before the death of Max Salama, who was their leader. Jews have lived in Alexandria since its founding in 331 BC. They came in great numbers, at one point making up at least one-fourth of the city's population. Lina Mattatia, in her mid-70s, is one of the few Jews remaining in this coastal city, where they were once a 50,000-strong community with businesses, synagogues, a school and friendly relations with their Muslim neighbours.

Other Jews are scattered in Egypt, with the other significant community group in Cairo of about the same numbers as Alexandria's. Still, the Jews say they are at home in this country of 82 million people, mostly Muslims.

"It is not difficult to keep our traditions," Mattatia said. "We don't feel anything against us. The Muslim neighbours are very nice. We have friends. We do our own thing."

Victor Meir Balassiano, 61, said that he is glad he stayed in Egypt, his country. "Muslims are very tolerant with me and members of my community. We have no problems."

The president of Alexandria's Jewish Community, Joe Harari, 85, said he has bid goodbye too many times over the years. "Too many people left for other countries," he said. "I am Jewish, but I am also Egyptian. I am 100 per cent satisfied and happy here. Why would I leave?" In his office, you will find a picture of President Hosni Mubarak and Rabbi Abu Hatzera (buried in Damanhour). The Jews of Egypt were cosmopolitan, and came from different countries.

Harari says: "I am an Egyptian Jew. But, 100 per cent Egyptian as you see. Jews left in 1948 and 1956 -- all the wars. I was here for four wars. The Egyptians are my friends. I do not intend to emigrate to Israel. We keep the synagogue, the community, and care for the old. We must stay here."

The community is in the Eliahu Hanavi Synagogue, which is one of the most beautiful synagogues in the Middle East. It is a magnificent shrine, clean and well-preserved. It seems that only yesterday people were praying there.

"Jewish sites are an important part of our heritage, and we place as much importance on the maintenance and development of the Jewish temples as we do to the mosques and the churches in Egypt," said Zahi Hawass, Egypt's chief archaeologist and the Secretary-General of the Supreme Council of Antiquities (SCA).

Jewish sites exist in the Mediterranean city of Alexandria, still home to a grand synagogue, and in the Nile Delta village of Damru, where Jewish worshippers make a yearly pilgrimage to the grave of Abu Hatzira, a 19th century rabbi and healer.

Most sites, however, are in Cairo, and more than monuments just to the Jews, they are reminders of a more cosmopolitan Middle East, when Cairo and other Arab cities housed a jumble of ethnic minorities in the midst of Muslim majorities.

The best-known synagogue still standing is Ben Ezra, located among Christian churches and souvenir stores in Old Cairo. The synagogue, with its marble pillars and ceiling painted in muted greens and reds, is believed to date to 882 A.D.

The thousands of documents the Jews stored there over the centuries were discovered in the late 1800s and became famous as the Cairo Genizah, one of the most valuable troves of historical documents ever found. Today the house of prayer is open as a tourist site.

On a downtown Cairo mainstreet stands the monumental synagogue known as Shaar Hashamayim, the “gate of heaven,” a structure of gray stone with an interior of carpets and gold-painted walls. In the 1940s, upper-class Jews would fill its pews on the Sabbath. On a recent Sabbath it was empty except for a Muslim caretaker. Nadia Haroun Silvera, 55, a lawyer and one of Egypt’s last Jews, remembers her grandmother leading her in as a child.

In the old days, the Alexandria community was 90,000 to 100,000 members strong. It was better organised than the Cairo community was. They provided services from birth to burial. The Cairo community had 80,000 members. Both communities grew between the two world wars.

Since the forties, Egyptian Jews have had to pay the price for Israel. Harari estimates that the decline of the Jewish community began in 1948. He believes the final stroke was the “socialist society” of Nasser at the end of the fifties and the beginning of the sixties. Some emigrated to Israel, but the majority went to Europe and North America.

Now, years after this policy ended and a more liberal atmosphere was allowed to flourish, the Egyptian Jews are reluctant to have connection with foreigners, to tarnish their image as a religious minority living in a Muslim country that has been tolerant to its members until today. ■

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INDEX

A

- Abbasid, 22, 23, 24, 25, 149
 Abd al-Hamid II, 26
 Abd al-Hamid Mutawalli, 39
 Abdalwahab Meddeb, 39
 Abdullah Gül, 106, 107, 116, 119
 Abraham, 89, 90
 Abu Bakr, 21, 23, 50, 51, 52, 53
 Abu Ya'la, 24
 Abu Yusuf, 22, 60
 Abu'l A'la Maududi, iii
 Abu'l Hasan Ali al Mawardi, 23
 Abu'l Kalam Azad, 30
 Abyssinian, 91
 Aceh Barat Daya, 127
 Adam, 79
 Afghanistan, 99
Africa, 146, 161, 162
 Aghion, 172
 Al-Abbasiya, 175
Al-Abkam al-Sultaniyya, 23
 Al-Aqsa, 26
 Alexandria, vi, 39, 169, 171, 172, 174, 176, 177
Al-furqan, 60
 Algeria, 9, 20, 140, 160, 162
 Al-Ghazali, 25
Al-hidayah, 60
Al-bukm, 28, 39, 60
 Ali Abd Al-Raziq, 28
 Ali Riaz, 142, 145, 146
Alia Madrassa, 149
 Al-Jahiz, 22
 Al-Juwayni, 24
 Allah, ii, iii, 40, 49, 57, 59, 63, 79, 80, 81, 82, 83, 84, 89, 90, 91, 92, 100, 101, 130, 141, 143, 144, 146
 Allama Muhammad Iqbal, iii, vii, 4
 All-India Muslim League, 96
 Al-Mansur, 22
 Al-Nabhani, 29, 30
 Alternative for Latin America, 155
Al-thirmidhi, 82
 Alvin Robert Cornelius, 99
Ameer-ul-Momineen, 53
 Amin Ahsan Islahi, iii, 38
 Amir al-mu'minin, 24
 Amr Hamzawy, 159
 Ansar, 21
 Arab, iv, vi, 19, 24, 26, 27, 28, 30, 85, 86, 121, 132, 139, 140, 156, 157, 159, 160, 162, 166, 167, 169, 170, 173, 175, 177
 Arabic, iv, 45, 85, 144, 149, 151, 170, 172, 175
 Aristotle, 35
 Armenia, v, 106, 107, 121
 Asef Bayat, 163
 Ashrafis, 52
 Asia, 87, 99, 151, 161, 162
 Asim Roy, 142, 144
 Au Petit Bazar, 171
 Auditor-General, 99
 Austria, 109
 Ayub Khan, 8, 16

B

- Baghdad, 26, 83, 84, 149
 Balkanization, 27
 Baluchistan, 11, 32
 Bangladesh, i, ii, vi, 11, 42, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 155
 Bangladesh Awami League, vi
 Bangladesh Nationalist Party, vi, 146
 Barack Obama, 168
 Barry Buzan, 110

Bedouin, 45
 Beji Caid-Essebi, 159
 Belgium, 109
 Ben Ezra Synagogue, 170
 Bengal, vi, 11, 143, 144, 145
 Benin, 130
Bey, 26, 171, 172
 Bhikshu, 154
 Bhutan, 142
 Bin Laden, 147
Blasphemy, 100, 104
 Bolivian, 155
 Bosnians, 118
 Brahmins, 97
 British, 11, 26, 27, 38, 60, 76, 84, 85, 87, 93, 100, 111, 149, 167, 171, 174
 Bukhari, iii, 24, 30, 87
 Byzantine, 106
C
 Cairo, vi, 21, 23, 26, 169, 170, 171, 172, 174, 175, 176, 177
 Caliphate, ii, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, 33, 34, 36, 37, 39, 48, 49, 55, 58, 84
Camellia, 169
 Capitalism, 58
 Carnegie Middle East, 159
 Chamber of Commerce and Industry, 17
 Chief Election Commissioner, 99
 Chief Justice of Pakistan, 99
 China, v, 141, 153, 166
 Christian, 46, 53, 91, 92, 93, 96, 99, 108, 109, 117, 164, 177
 Cicurel, 171, 172
 Civil Service Academy, 44
 Clash of civilizations, 153
 Constituent Assembly, 31, 40, 64, 97
 Council of Islamic Ideology, 32, 66
Coup d'état, 16, 18

Credit Foncier, 171
 Cyprus, v, 106, 107, 114
D
 Damanhour, 176
 Damascus, 83
 Damru, 177
Daood Hosni, 169
 Dars Nizami Madrassas, 149
Dars Nizamia, 149
 Darul-Ulum, 85
De facto, 25, 112
De jure, 25
 De Piccitto, 172
Deen, ii
 Defence Minister Pinhas Lavon, 173
 Dehli, 45, 85
 Deoband, 37, 149
 Department for International Development, 148
 Dhaka, 145, 147
 District and Sessions Judge, 101
 Diyarbakir, 118
 Douec, 172
 Dr Hamidullah, 45, 46
 Dubai, 166
Duniyavi, 152
E
 East Pakistan, 12, 15, 32
 Economic Transformation Program, vi
 Edward Said, 162
 Egypt, i, ii, vi, 9, 10, 18, 20, 26, 44, 47, 126, 140, 159, 160, 163, 166, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177
 Egyptian National Bank, 171
 Eid-ul-Adhha, 54
 Eid-ul-Fitr, 54
 Eighteenth Amendment, 66, 78
 Eli N. Mosseri, 172

Eliahu Hanavi Synagogue, 176
 El-Ramallah Square, 176
 Employees' Old-age Benefit
 Institution, 73
 English, 45, 85, 152, 153, 168, 170,
 175
 Esad Coşan, 113
 Europe, 34, 35, 36, 58, 84, 109,
 114, 115, 116, 122, 169, 173,
 177
 European Court of Human Rights,
 115, 116
 European Union, v, 106, 115

F

Famina Institute, 128
 Fascism, 35
 Fatimid, 25
Fatwas, 26
 Fazlur Rahman, 18
 Federal Shari'at Court, 66, 73, 104
 Fethullah Gülen, 111, 113, 117
Fiqh, iii, vii, 59, 60, 62, 72, 82, 149,
 151
 France, 50, 162, 171, 172
 Franz Fanon, 162
 French, 26, 156, 162, 170, 171

G

Garden City, 170
 Gasserine, 159
 Gellner, 111
 General Hussain M. Ershad, 146
 General Pervez Musharraf, 100,
 101
 General Ziaur Rahman, 146
 Genizah, 170, 177
 Geography, 152
 George L. Mosse, 111
 Germany, i, 35, 50, 109, 111, 162
 Ghana, 161
 Giza, 170

God, iii, 19, 22, 23, 32, 35, 36, 37,
 38, 39, 40, 41, 50, 51, 52, 56, 88,
 89, 90, 92, 94, 143, 144, 146,
 153, 165
 Greek, 35, 82, 106
 Guinea Bissau, 130
 Gülen movement, 106, 107, 108

H

Habib Bourguiba, 156
 Hadith, 21, 23, 24, 35, 51, 88, 148,
 152
 Haim, 171, 172
Haji, iv, 50, 52, 54
 Halal, 67
 Hanbali, 25, 60
 Hanifi, 60
Haret el Yaboud, 170
 Harun al-Rashid, 22
Hawamdiah, 171
 Hazrat Ali, 44, 47, 48, 50, 51, 52,
 53
 Hazrat Saad bin Abi Waqas, 50, 54
 Hazrat Ubbi, 53
 Hazrat Umar, iii, 50, 51, 52, 53, 82
 Hebrew, 82, 170, 171
 Heliopolis, 170
 Hindu, iv, 58, 94, 97, 99, 142, 144,
 148
 History, 43, 46, 58, 87, 93, 149,
 152
 Hizb al-Tahrir, 28, 30, 39
 Holy Prophet, iii, 66, 81, 82, 88,
 91, 98, 101
 Hosni Mubarak, 159, 160, 176
 Hudood laws, i, 14
Hujra, 82
 Hulu, 126

I

Ibn al-Farra', 24
 Ibn al-Muqaffa, 22
 Ibn Aqil, 24, 25

- Ibn Jama'a, 25
 Ibn Qayyim al-Jawziyya, 25
 Ibn Qutayba, 21, 24
 Ibn Taymiyya, 25
 Ibrahim Ida, 42
Ijma'a, vii, 29, 33, 41, 59, 88
Ijtihad, iii, v, vii, 5, 23, 27, 28, 29, 32, 33, 61, 85
Ilm, 80, 81, 87
 Imam Abu Hanifah, 60
 Imam al-Shafi, 60
 Imam Hatip, 113
 Imam Muhammad al-Shaybani, 60
 Imam-bargahs, 99
 Imed Trabelsi, 158
 Imperialism, 38, 114
 India, 8, 11, 12, 26, 27, 30, 33, 35, 37, 38, 57, 85, 86, 87, 93, 96, 97, 142, 143, 149, 167
 Indian subcontinent, 98, 143
 Indonesia, i, ii, v, 123, 125, 126, 127, 128, 130, 138
 International Country Risk Guide, 138
 International Criminal Police Organization, 160
Iqra, 85
 Iran, 9, 18, 125, 126, 158, 163
 Iranian Revolution, 9
 Iraq, 117, 119, 121, 139
 Islam, i, ii, iii, iv, v, vi, vii, 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48, 50, 53, 54, 55, 56, 57, 58, 59, 61, 64, 66, 73, 77, 78, 79, 80, 81, 82, 83, 85, 86, 87, 88, 89, 91, 92, 93, 94, 99, 101, 102, 104, 106, 107, 108, 110, 111, 121, 124, 125, 127, 128, 129, 130, 131, 132, 139, 142, 143, 144, 145, 146, 147, 148, 152, 153, 154, 155, 156, 161, 163, 164, 167, 168, 169, 170
 Islamia College Lahore, 33
 Islamic Banking Institutions, 67, 71
 Islamic Financial Services Industry, 70
 Israel, 13, 101, 170, 173, 174, 175, 176, 177
 Israr Ahmad, iii, 39
 Istisna, 67, 68
 Italy, 35, 109, 172
 Izmir, 171
- J**
 J.N. Mosseri & Compagnie, 171
Jacob Sannua, 169
 Jafari, 60
 Jamaat-e-Islami, 9, 10, 13, 50, 146, 147
 Jamaat-ul-Mujahideen Bangladesh, 147
 Japan, v, 86, 141
 Jasmine Revolution, vi, 156, 157, 158, 159, 160, 161, 162, 164, 166, 167, 168
 Jawaid Ghamdi, 101
 Jesus, 89, 90
 Jews, iv, vi, 45, 54, 83, 91, 93, 169, 170, 171, 172, 173, 174, 175, 176, 177
 Jews of Banu Auf, 45
Jizyah, 94
 Joe Harari, 176
 Joel Beinin, 175
 Jordon, 20
 Joseph Aslan Cattai, 171
 Joseph M. Whitmeyer, 111
 Joseph Vita, 172
 Josy Film Company, 172
 Judaism, 89, 154, 170
 Jumhuriyat, 35
 Justice Aftab Hussain, 73

Justice and Development Party,
107, 122

K

Kalimantan, 125, 126
Kalyvas, 108, 109, 122
Kamil Madrassas, 150
Karachi, 32, 42, 45, 47, 56, 62, 78,
97, 98
Kemalism, 106
Khaleda Zia, 147
Khalifa, iii, 21, 22, 28, 29, 35, 51,
54, 130
Khalifa Abd al-Hakim, iii
Khalifas, iii
Khawwat, 127
Khatris, 97
Khawarij, 24, 34, 39, 41
Khedive Ismail, 171
Khilafat movement, 27, 33, 167
Khilafat Movement, 27, 30
Khyber Pakhtunkhwa, ii, 11
King Fuad I, 26
Kleptocracy, vi, 157
Kufr, 19
Kurdish, v, 106, 107, 112, 114,
117, 118, 119
Kwame Nkrumah, 161

L

La Place de l'Opera, 171
Lahore, 26, 30, 33, 34, 35, 36, 37,
38, 39, 45, 48, 50, 53, 56, 57, 58,
62, 93, 98, 99, 101, 104, 156
Laila Murad, 169
Latin America, 161, 162, 167
Les Grands Magasins Cicurel, 171
Liaquat Ali Khan, 31, 96
Libya, 157, 160
London, 21, 27, 36, 43, 45, 50, 91,
93, 94, 146, 148, 161, 164, 171
Lord Macaulay, 85

M

Maadi, 170
Madinah, iii, vii, 43, 44, 45, 46, 48,
49, 50, 55, 81, 82, 83, 91, 93, 98
Madrasis, 97
Madrassa, vii, 84, 85, 148, 149,
150, 152, 155
Madrassa Zaytuna, 156
Magna Carta, 35
Mahabharata, 144
Malaysia, i, ii, v, vii, 87, 129, 130,
132, 137, 138, 139, 140, 141
Mali, 130
Malik-e-Ashtar, 47
Maliki, 60
Manchester, 164
Martial Law, 99
Martin Kramer, 19
Mas'ala khilafat, 30
Mashaikh, 11
Mathematics, 152
Mecca, 26, 44, 49, 83, 91
Medicine, 81, 100, 151
Meesaq-e-Madinah, 44
Meknassi, 159
Menasce Free Schools, 172
Middle East, 19, 26, 36, 106, 107,
146, 159, 160, 162, 163, 176,
177
Milliyetçi-Muhafazakar, 106
Ministry of Religious Affairs, 104
Ministry of Religious Affairs, Haj
and Auqaf, 65
Misr Bank, 171
Mizrahi, 172
Mohamed Aboul Ghars, 175
Mohammed Ali Pasha, 170
Mohammed Ghannouchi, 159
Monastery of St. Catherine, 46, 93
Moreno Cicurel, 171
Morocco, 9, 10
Moses, 89, 90
Mosque of Kairouan, 156

Mosseri, 171, 172, 174
 Mosseri Bey, 172
 Mount Sinai, 46
 Mt. Sinai, 92
 Mu'tazila, 34
Mu'allim, 80, 82
 Muammar Gaddafi, 160
 Mudaraba, 67, 68
 Mufti Muhammad Taqi Usmani, 73
 Mughal, 85, 143
 Muhammad 'Imarah, 39
 Muhammad Ali Jinnah, iii, vii, 8, 56, 62
 Muhammad Bin Qasim, 143
 Muhammad Ghuri, 143
Mubkam, 60
Mulukiyya, 21, 39
Munir Murad, 169
 Musawama, 67
 Musharaka, 67, 68
 Muslim, i, ii, iii, iv, v, vii, viii, 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 38, 39, 40, 41, 44, 51, 53, 57, 58, 59, 61, 62, 63, 66, 79, 81, 82, 83, 84, 85, 86, 87, 89, 92, 93, 94, 95, 96, 97, 98, 99, 101, 103, 107, 115, 123, 124, 125, 126, 127, 128, 129, 130, 131, 137, 138, 139, 140, 142, 143, 145, 147, 148, 149, 150, 151, 153, 155, 156, 163, 164, 167, 168, 169, 174, 175, 176, 177
 Mustafa Kemal, 27
 Muttahida Majlis-e-Amal, ii

N

Nadia Haroun Silvera, 177
Nagwa Salem, 169
 Nahdlatul Ulama, 124
Nahjul Balagha, 47

Najar, 172
 Najran, 91, 93
Naqli 'uloom, 151
 National Bank of Egypt, 172
 National Commission for Minorities, 104
 National Commission on Violence Against Women, v
 National Council of Nigerian Vision, 42
 National Key Economic Areas, vi, 141
 Nationalist Action Party, 107
 Nazism, 35
 Necmettin Erbakan, 112
 Neigumah Ibrahim, 174
 Nepal, 142
Nigma Ibrahim, 169
 Nile Delta, 177
Nizam, 9, 10, 17, 39, 56, 98
 Nizam-e-Mustafa, 9, 10, 17, 98
 Nizam-ul Mulk Hasan ibn 'Ali, 149
 Non-Governmental Organisations, 49
 North America, 177
 North West Frontier Province, 11
 Nurul Huda, 12

O

Objectives Resolution, iii, vii, 8, 31, 32, 40, 41, 64
 Ole Waever, 110
 Operation Susannah, 173
 Oreco, 172
 Ottoman Caliphate, 27
 Ottoman Empire, iv, 94, 170

P

Padshah, 26
 Pakistan, i, ii, iii, iv, vii, 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 30, 31, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46,

53, 55, 56, 57, 58, 59, 60, 61, 62,
63, 64, 65, 66, 67, 68, 70, 71, 72,
73, 74, 76, 77, 78, 85, 86, 88, 94,
95, 96, 97, 98, 99, 100, 101, 102,
103, 104, 126, 139, 145, 147,
148, 156, 160, 161, 166, 167
Pakistan Social and Living
Standard Measurement Survey,
74
Palestine, 26, 172
Pasha, 171
Patriarch, 106, 107
Persian, 48, 82
Philosophy, 4, 87, 132, 149, 151
Pious Caliphate, 48
Plato, 35
Poised Hammer, 117
Polemics, 152
Pope Benedict XVI, 93
Pope Jean Paul II, 111
Prosody, 152
Punjab, 11, 32, 95, 96
Puranas, 144

Q

Qanun, iii, 62, 127
Qari Tayyib, 37
Qat'i, iii, 62
Qaumi Madrassas, 149
Qayas, 88, 154
Qazaf, 100
Qazalbash Waqf, 73
Qazi, 53
Quds, 28
Qur'an, iii, iv, 5, 6, 21, 23, 28, 29,
32, 36, 38, 39, 40, 41, 57, 59, 60,
61, 63, 64, 66, 79, 80, 81, 82, 83,
85, 86, 87, 88, 89, 90, 91, 93, 98,
100, 101, 103, 104, 131, 132,
144, 151, 154, 163, 170
Quraysh, 21, 24, 28, 29, 30, 35

R

Rabbi Abu Hatzera, 176
Rabbi Haim Nahum Effendi, 171
Rahim, 145
Raison detre, 58
Rakiyah Ibrahim, 174
Rama, 145
Rana Bhagwandas, 99
Raqia Ibrahim, 169
Rashid Rida, 27, 28, 30
Rashidun, 22
Rashtriya Swayamsevak Sangh, 148
Rauf Denктаş, 107
Rene Cattau, 171, 172
Riba, iv, 64, 65, 66, 67, 76
Richard Eaton, 142, 143
Robert Rollo, 172
Roda, 170
Rollo, 172
Roman, 22, 48, 156
Romano, 172
Romans, 118
Russian Revolution, 161
Sabbath, 177

S

Safari, 170
Salam, 67, 68
Sanskrit, 144
Sassanid, 21, 22
Satya Pir, 145
Saudi Arabia, i, ii, 9, 10, 86, 148,
159, 160
Secularism, 34
Selatan, 126
Seljuq Vizier, 149
Sephardi Jews, 171
Shafi, 60
Shamsul Haque, 42
Shari'a, i, iii, v, vii, 14, 19, 21, 23,
25, 27, 28, 36, 39, 40, 41, 56, 57,
58, 59, 60, 61, 62, 63, 67, 71, 76,
80, 81, 104, 123, 124, 125, 126,
127, 139, 143, 166, 167

Shari'at Appellate Bench, 64, 66,
73, 75, 76
Sharif Hussein b. Ali, 26
Shaykh al-Azhar al-Jizawi, 26
Shaykh al-Maraghi, 26
Shehatah Haroun, 173
Sheikh Mujibur Rahman, 8, 15,
145
Shia, 14
Shubra, 170
Shura, v, 27, 35, 37, 38, 41
Sidi Bouzid, 157
Sierra Leone, 130
Sind, 11, 32, 95, 98
Sir Sayyid Ahmad Khan, 18
Snyder, 111
Societe d'Etudes Historiques des
Juifs d'Egypte, 171
Socrates, 35
South Asia, 50, 99, 146, 147, 151,
153
South Korea, v, 132, 141
Spain, iv, 26, 83, 94
Stanford University, 163, 175
State Bank of Pakistan, iv, 64
Stathis N. Kalyvas, 108, 109
Stewart Tony, 145
Suares, 172, 174
Suares Square, 172
Suez War, 173
Sufi Muhammad, 19
Sufia Uddin, 144, 145
Sufism, 142
Suliman al-Hakim, 174
Sultan, 26, 35
SultanSelim, 26
Sungai, 126
Sunnah, iii, iv, 5, 22, 23, 28, 29, 32,
39, 40, 51, 52, 59, 60, 61, 64, 66,
80, 85, 86, 88, 91, 98, 100, 103,
104, 131, 167
Sunni, 14, 99
Syed Amir Ali, 18

Syria, 22, 107, 121, 170

T

Tafsir, 37, 38, 152
Taghut, 91
Tahkim, 39
Tahrik Nifadh Shari'at
Muhammadiyah, 19
Taiwan, 132
Tajwid, 81
Takaful, 139
Takhrikhim, 170
Tala, 159
Taqi al-din al-Nabhani, 28
Tarek al Tayyib Muhammed ibn
Bouazizi, 157
Tayyip Erdoğan, 107, 117
to Malik-e-Ashtar, 44, 47
Togo Mizrabi, 169
True Path Party, 112
Tunis, 9, 26, 156, 157, 159, 164
Tunisia, vi, 20, 140, 156, 157, 158,
159, 160, 161, 162, 164, 165,
166, 167, 168
Tunisian General Labour Unions,
159
Turgut Özal, 120
Turkey, i, ii, v, 21, 27, 33, 34, 106,
107, 108, 112, 113, 114, 115,
117, 118, 119, 120, 121, 122,
130, 170, 171
Türkiyeli, 118
Two Nation Theory, 8, 145

U

Ulama, 10, 11, 13, 14, 17, 18, 19,
26, 27, 28, 32, 37, 38, 40, 124
Umar b. Abdul Aziz, 22
Umayyad, 21, 23
Ummah, 1, 57, 85, 130, 155, 167
Umru bin al-Aas, 52
Union of Soviet Socialist
Republics, 5

United Nations Development
Programme, 137

United States, 5, 19, 50, 62, 99,
147, 164, 165, 168

University of Dhaka, 153

Usbr, iv, 13, 16, 64, 65, 66, 71, 76

Usul, iii, 28, 63, 149, 152

V

Vashnavas, 97

Victor Meir Balassiano, 176

W

Welfare Party, 107

West Pakistan, vi

World Trade Organisation, 156

Y

Yahya Khan, 9

Yathrib, 43

Yiddish, 173

Z

Zakat, iv, 13, 16, 64, 65, 66, 71, 72,
73, 76, 94, 149, 152

Zamalek, 170

Zaman, 107, 118, 119, 121

Zazas, 118

Zia-ul-Haq, 7, 9, 99

Zina, 100

Zine el Abidine Ben Ali, 156

Zionist, 173, 174

Ziya Öniş, 120, 121, 122

Zulfikar Ali Bhutto, 7, 9, 10, 16