THE POLITICAL ROLE OF THE ‘ULAMĀ’ IN THE INDO-PAKISTAN SUB-CONTINENT

MANZOORUDDIN AHMAD

The term ‘ulamā’ is the plural of the Arabic word ‘ālim, its root being ‘ILM. ‘Ilm means knowledge and therefore ‘ulamā’ means those persons who possess knowledge. The term occurs twice in the text of the Holy Qur’ān. References of the term are also found in the great Hadith collections. However, the expression has attained a technical meaning in the context of Muslim jurisprudence. In its technical sense the term is applied to those who are well conversant with all or any specific branch of Islamic learning e.g., jurisprudence (fiqh), theology (kalām), tradition (hadith), Qur’ānic exegesis (tafsir) etc. The traditional religious seminaries usually provide comprehensive instructions in those branches of Islamic learning. Those who pass out from these seminaries after having fulfilled the academic requirements, are conferred the requisite degrees, and they are generally known as ‘ulamā’. These ‘ulamā’ are also known according to their area of specialisation as traditionist (muḥaddith), jurist (faqih), commentator (mufassir) and theologian (mutakallim). In the past they used to be appointed as judges (qādi), lawyers (mufti), leaders of prayers (imām) and teachers (mudarris). During the period of Abbasids and the Ottomans, they used to occupy the high offices of the Chief Justice (qādi al-qudā’, the Head of the Clergy (Shaykh al-Islām).

According to the criteria of competence, these law doctors are classified into (a) mujtahid, and (b) muqallid. The mujtahid is one who, by virtue of his thorough knowledge of the Qur’ān and Sunnah, is competent to formulate individual opinion (ijtihād) in legal matters involving the interpretation of the Qur’ānic injunctions. On the contrary, the muqallid is one who is bound by the decisions of the earlier jurists in the application of the Qur’ānic laws. Judging the ‘ulamā’ from a moral point of view, they are generally categorised into righteous ‘ulamā’ (‘ulamā’-i-haq) and impious ‘ulamā’ (‘ulamā’-i-sū). The righteous ‘ulamā’ are men of piety, justice and integrity, and they conform to the highest standards of moral conduct in their profession. The impious ‘ulamā’ are self-seeking and morally lax in spite of their learning and erudition.

Some of the ‘ulamā’ who preferred to dedicate themselves to the
missionary work of Islam or devote themselves exclusively to rigorous spiritual self-discipline were called by the names of *sufiya*, *awliya’*, *mashâyakh* and *pir*\(^\text{17}\). In order to preach Islam among the people at large, they adopted the ‘mass contact’ technique and developed for this purpose a separate ‘code of ethics’ and a body of ‘doctrines’ based on the esoteric interpretations of the Qur’ān and the Sunnah. In contrast with the *ahl al-Shari’ah*, they are known as *ahl al-Tariqah*\(^\text{18}\). In fact what the mighty Muslim rulers could not achieve by sword, these *sūfis* achieved with love and tolerance. They were miraculously successful in pushing the frontiers of Islam to the farthest extent through peaceful conversion.

However, the *sūfis* and the ‘*ulamā’* both have played equally vital role in preserving the religious solidarity of the Muslim masses and in sustaining their moral fervour. They did not confine themselves to religious or spiritual leadership alone, but they also exerted tremendous influence on the political process of the Muslim Society in all ages\(^\text{19}\). However, the *sūfis* and the ‘*ulamā’*, developed their independent approaches to politics. The ‘*ulamā’*, as the guardians of the *Shari’ah* (divine laws) adopted the method of directly influencing the political decision-makers. But the *sūfis* sought to influence politics by indirect methods of acting as a common source of inspiration both to the rulers as well as the ruled. On the one hand, they cultivated among the people a complex of passive obedience to their rulers, on the other hand, they also restrained through their sermons and advice, the growing despotism of the rulers towards their subjects\(^\text{20}\). But the ‘*ulamā’* were primarily concerned to secure the effective enforcement of the *Shari’ah* in the society, therefore they preferred to associate themselves with the royal court so that they may prevent the monarch from making any laws which were repugnant to Islam. Thus they were a permanent check on the legislative prerogatives of the rulers\(^\text{21}\). As long as the ruler acted in conformity with the rules of the *Shari’ah*, the ‘*Ulamā’* did not bother whether he was a despot or a tyrant or an unjust ruler. The jurist-theologians like Ibn Jamā’a and Imām al-Ghazzāli pleaded for unflinching obedience of the subjects to the tyrants so long as the latter did not violate the *Shari’ah*, because in their view a state of tyranny was better than one of anarchy\(^\text{22}\).

However, at the same time, it may be stated that the Muslim history is replete with such instances as well where the ‘*ulamā’* had come into direct clash with the rulers, and did not hesitate to raise their voice against tyranny, injustice and oppression of the rulers. As a result, they were imprisoned and tortured. Imām Mālik, Imām Abū Ḥanīfa, Imām Aḥmed bin Ḥanbal were the heroic examples of this class of ‘*ulamā’*\(^\text{23}\).
The strategy of the 'ulamā', in influencing politics in modern times, is not very much different from their traditional pattern. However, now-a-days, their area of participation in politics has vastly increased. They are no longer reluctant to employ the new modes of communications. The ideas of organised participation in politics has readily been taken up by them. They have been able to thrash out their party manifesto and a precise programme of action. In the medieval society the modern media of mass communication such as press, radio, telecommunication, television and microphones were non-existent and, therefore, the process of moulding public opinion was difficult as well as complex. However, in spite of the lack of these facilities, the 'ulamā' carried on their 'mass contacts' through their missionary work. They also used mosques, monasteries and schools (masjid, khānqāh, and madrasah) as the centers of mass contacts. However, they laid equal emphasis on the person-to-person communication. This was so because the 'ulamā' had been the focus of all social and religious life of the community. For establishing mass contact with the people, the 'ulamā' successfully exploited numerous occasions of religious gatherings, e.g., milād (Prophet's birth anniversary), wa'az (religious sermons) majlis (assembly of men to commemorate the event of Karbala) munāzara (face-to-face public disputation between the 'ulamā' of the different sects) and khutbāh (public sermons) on Fridays, 'id-al-fitr, and 'id-al-adha. But now-a-days the 'ulamā' are also employing modern media of mass communication e.g., radio, press, microphones etc. They hold public meetings, political conventions, conferences, seminars, and symposia. They are also taking keen interest in organising welfare activities in the community by running schools, madrasahs, orphanages, hospitals etc. In the past these activities were organised privately through the institution of awqāf (endowments). But of recent, in some Muslim countries, the administration of Awqāf has been taken over by the Government.

The 'ulamā' perhaps, did not appear as a distinct class of people until the end of the first century of Hijra. At Medina the Holy Prophet had organised a community under his leadership and had imparted to his Companions thorough training in Islam. The Companions were assigned multifarious duties in the community. In spite of all this, they were not called 'ulamā.' Of course some of the companions were known as the reciters of the Qur'an (qurrā'). Perhaps these qurrā' were the true predecessors of the 'ulamā'.

In the Qur'ānic verse, "Obey Allah, obey His Prophet and those among you who are in authority", the expression ulil'amr (those among
you who are in authority) has been interpreted by some of the commentators of the Holy Qur‘ān to mean ‘ulamā‘ (jurist-theologians). But, according to others, the expression means only rulers. It may be inferred from both of these interpretations that there were two different classes of rulers and ‘ulamā‘. But such distinct classes did not exist during Prophet’s time. The Companions of the Prophet combined knowledge and authority. This select body of the Companions used to assist the Holy Prophet in his mission in different ways as members of the shūrā,35 as āmil,36 as kāthīb37 etc. After the death of the Holy Prophet this body of the Companions elected Abū Bakr as the Caliph. From all this it may be concluded that the body of ‘ulamā‘ as experts of Islamic sciences had not yet appeared as a class by themselves. The ‘ulamā‘ as a class might have emerged with the beginning of codification of the Qur’ānic laws and collection of traditions.38

After the first three generations of the Companions the process of shūrā together with the ijtiḥād-ijmā‘ mechanism ceased to operate in the field of political decision-making, but it continued to be applied by the fuqahā‘ in connection with the codification of the sharī‘ah.39 Therefore, we notice how for the early ījmā‘ of the Companions was substituted the ijtiḥād of the ‘ulamā‘ who were, in fact, the genuine successors of the Companions.40 This transformation of the terminology of the Islamic jurisprudence only points up to the inevitable conclusion that the ‘ulamā‘ in the technical sense of the term had appeared sometimes during the second and third century of the Hijra. They gained unusual power and prestige during the Abbasid period, and developed a hierarchy of their own under the Ottomans with the Shaykh al-Islām as their head.41

The ‘ulamā‘ were also attached to the courts of the Muslim rulers in medieval India.42 These ‘ulamā‘ as the guardians of the sharī‘ah and as the spokesmen of Muslim interest in general, used to exercise great influence on the formulation of the policies of the realm. No ruler could ever defy the sharī‘ah, or enforce any law that was repugnant to the sharī‘ah. The ‘ulamā‘ enjoyed the unchallengeable authority of the interpretation of the sharī‘ah. Therefore, the ‘ulamā‘ had always resisted the attempts of the rulers to deprive them of their legislative veto power. Imām al-Ghazzālī recognised the constitutional authority of the ‘ulamā‘ as the necessary adjunct of the khalīfah.43

We have noticed above how in theory and practice the ‘ulamā‘ played an effective role in Muslim politics. They had also their vicissitudes in politics. During the Mughal rule in India they had generally declined in power and prestige, particularly during the reign of Akbar.
However, their influence was restored during the reign of Jehangir. But it was only under Alamgir that they got back their legislative supremacy and political influence. During the reign of Jehangir there appeared Shaykh Ahmad Sarhindi (popularly known as Imām Rabbānī)44. He stands out as the most learned ‘ālim of his age who had undertaken the great task of counteracting the evil consequences of the religious policies of Akbar. In fact, he saved Islam from being completely assimilated by the emergent pseudo-mystical movements in India. In North-Western India, the rise of Sikh power posed itself as a new menace to the Muslim Empire that had fallen into decay after the death of Aurangzeb. At such a critical moment Shāh Walyullah appeared as the saviour of Muslim culture and religion45. As a great reformer of law, morals and politics, Shāh Walyullah paved the way for the great ḥijād movement against the Sikhs and later against the British rule. After Shāh Walyullah, his great son, Shāh ‘Abdul ‘Azīz along with Shāh ‘Abd al-Hai, Shāh Ismā‘īl and Sayyied Ahmad Shahid made the last political bid to recapture the North-Western provinces from the Sikhs.46 An offshoot of this movement, later on, started among the people of Bengal in the form of what is popularly known as the Farā’idżi movement47 against Hindu and European indigo-planters and zamindars. The movement was led by Titu Mir and Hajj Sharī‘at’ullah who are even today well known among the Muslims of Bengal. The ‘ulamā’ had also taken prominent role in the Mutiny of 185748. During the heyday of the British rule in India, the Khilāfat movement represents the climax of the ‘ulamā’ s direct participation in the struggle for independence from the foreign yoke.50

The great religious seminary at Deoband known as dār al-‘ulūm51 was founded on the ideals of Shāh Walyullah, and therefore, it was destined to play a prominent part in the political struggle of the Indians against the British rule. But at the same time it had become the bedrock of traditionalism and a strong bulwark against the liberal movement in Islam. During the khilāfat movement, a group of the ‘ulamā’ of Deoband organised party known as Jami‘at al-‘ulamā’-e-Hind52. Ultimately the mantle of its leadership fell on the shoulders of Mawlānā Ḥusayn Ahmad Madani, a nationalist savant of Deoband. This Jami‘at had been working hand in glove with the All-India National Congress. Mawlānā Abul Kalām Azād was the liaison between the Jami‘at and the Congress. Both of these parties had identical views on the political destiny of India; both stood for the political unity of the country. Both attacked the All-India Muslim League as a reactionary and communal
The conflict between the Muslim League and the Jami'at 'ulamā' centered round the problem of defining nationhood. A reference may be made here to the controversy that had ensued between 'Allāma Iqbal and Mawlānā Ḥusayn Aḥmad Madani. The Mawlānā, in spite of his traditional training, advocated that it is the country not the religion that makes a nation. On the contrary, Iqbal with his Western educational background was a vehement critic of this doctrine of nationhood, and instead, he expounded what later came to be described as "Islamic nationalism". The 'ulamā' in order to support their nationalist thesis sought to rationalise it in the light of the Qur'ān and Sunnah. Mawlānā Abu'l Kalām Azād defended nationalism in his magnus opus entitled Tarjumān-al Qur'ān. But the nationalist 'ulamā' could not attract the middle class intelligentsia of the Muslim community. The teachers, government employees, lawyers, merchants and industrialists more readily accepted the Two Nations Theory and the Pakistan demand of the Muslim League, because in their view the partition of the Indian sub-continent was, perhaps, the best solution of the socio-economic problem of the Indian Muslims. There was no satisfactory political formula within the framework of a United India which could ensure economic security to the Indian Muslims. Therefore, with the passage of the Lahore Resolution of 1940 the demand for Pakistan became the common slogan of the great majority of the Indian Muslims.

In view of the growing popularity of the All-India Muslim League among the Muslim masses, the Congress leadership resorted to the policy of working up the Shi'a-Sunni controversy and as a result of this policy important towns of India became the centers of the Shi'a-Sunni riots. The All-India Shi'a Conference under the leadership of Mr. 'Ali Zahir was the chief vehicles of the All-India Congress, whereas some of the pro-Congress Sunni 'ulamā' were responsible for organising what was popularly known as madh-i-Ṣaḥābah agitation (public eulogisation of the first four Caliphs). In order to divide the rank and file of the Muslims, the Congress leaders started emphasizing caste and class distinctions among Muslims. As a result of this policy, a pro-Congress All-India Momin Conference was organized under the leadership of 'Abdul Qayyum Ansārī of Patna. The Aḥrār 'ulamā' were already active on behalf of the Congress in the Punjab. Except the 'ulamā' of Deoband and the Aḥrārs, others were indifferent towards politics and they confined themselves to the field of religious reforms. Mawlānā Ashraf 'Alī Thānwi supported the Muslim League without taking any active part in politics. The 'ulamā' of the Bareilly school concentrated on the theological polemics with their reformist adversaries.
mer were contemptuously called "innovators" and the latter were described as the "puritans."  

The League leaders, in their drive to muster support of the 'ulamā' for Pakistan movement, endeavoured to recruit the politically non-aligned 'ulamā'. The League leaders had also to break up the Jami'at al-'Ulamā'-e-Hind in order to render it ineffective in the political arena. For this purpose Mawlānā Žafar Aḥmad Anṣārī was deputed to establish contacts with these 'ulamā'. As a consequence of his efforts, Mawlānā Shabbīr Aḥmad 'Uḥmānī, the instructor in traditions (Shaykh-al-Ḥadīth) at Deoband along with a number of his followers and colleagues committed themselves to support the Muslim League. Similarly, Mawlānā 'Abdul Ḥāmid Badāyūnī, of Bareilly school, also joined the Muslim League. Thus the ground was paved by the League for the creation of pro-League Jami'at al-'Ulmā'-e-Islām as a counter-move against the Congress dominated Jami'at.

At this stage, it may not be out of place to refer to two other religio-political groups, the Jamā'at Islāmī of Mawlānā Mawdūdī, and the Tablīghī Jamā'at. The former is a fullfledged political party and the latter is a non-political missionary movement. The Jamā'at aims at bringing about the Islamic reconstruction of the society through direct political action. In contrast with this, the Tablīghī Jamā'at aims at quiet missionary work, and in politics their attitude is one of indifference. In addition to these groups there was also the organised militant Khāṣṣār movement by 'Allāma Ināyat Ullah Mašriqī before the partition of the Indian sub-continent. The Khāṣṣārs have not played any major role in politics since independence; only recently attempts were made to revive it. One thing that deserves the attention of a political analyst is the fact that the leaders of the Jamā'at-e-Islāmī as well as those of the Khāṣṣārs were by no means 'ulamā' in the traditional sense. Both of these leaders had not gone through the regular madrasah education. This only confirms the view that the 'ulamā' as a privileged class were never recognised in the Muslim Society.

The 'ulamā' after Partition of India

Thus on the eve of the partition of India, the role of the 'ulamā' has been only negative in so far as they opposed the Muslim League. Even the Jamā'at-e-Islāmī and the Khāṣṣārs had opposed the Muslim League. But with the establishment of Pakistan as a sovereign state, the 'ulamā' had to redefine their political objectives, and accordingly to design a new strategy of influencing the course of Muslim politics in Pakistan.
The Constituent Assembly of Pakistan set itself to the task of drafting a constitution. This provided the ‘ulama’ as well as other religio-political groups a God-given opportunity to assert themselves in the politics of constitution-making. They unanimously put forth their demand for an Islamic constitution. The movement for an Islamic constitution, was, in fact, spearheaded by the Jamā‘at-e-Islāmī under the leadership of Mawlānā Abu’l ‘Alā Mawdūdī. The Mawlānā with his party scholars redefined the Islamic political theory of the medieval age into modern constitutional terminology.

The Islamic state was defined as a state in which Allah Almighty was the sovereign and the Ummah acted only as the trustee of Allah in exercising a limited delegated vice-gerency. The Mawlānā coined a new political term i.e., theo-democracy to describe an ideal Islamic State. Since Allah is the sovereign, His commands, as contained in the Qur’ān and Sunnah of the Prophet, are binding on the Ummah. This naturally prevents the Ummah from exercising absolute legislative sovereignty in an Islamic state. Therefore, the Ummah enjoys a limited authority of legislation in accordance with the Qur’ānic injunctions and Sunnah of the Prophet. They arrived at the conclusion that in an Islamic state, ultimately, the ‘ulamā’ of recognised competence should be the guardians of the Qur’ān and Sunnah. However, this implied further encroachment on the authority of the legislature in an Islamic state.

In order to get their views on the Islamic state incorporated into the draft constitution of Pakistan, a stage was set up for launching a nation-wide movement. In recognition of the popular urge for an Islamic Constitution, late Liāqat ‘Ali Khān had already presented his famous ‘Objectives Resolution’ which contained the broad principles of an Islamic state. The Jamā‘at pursued the matter by convening an All Pakistan Conference of the ‘ulamā’ of different schools of thought and belief. The ‘ulamā’ at this Conference unanimously adopted the basic principles which, in their view, were the minimum requirements of a truly Islamic constitution. After having the support of the unanimous opinions of the ‘ulamā’, the Jamā‘at and the ‘ulamā’ proceeded to mobilize mass opinion in favour of their demand for an Islamic constitution. Under the mounting pressure of public opinion, the Constituent Assembly set up the Board of Ta‘ālim-e-Islāmia to advise the Constituent Assembly on all Islamic aspects of Pakistan Constitution. The first chairman of the Board was Mawlānā Shabbir ʿĀhmad ‘Uthmānī and Mawlānā Zafar ʿĀhmad Anṣārī acted as its Secretary. Prominent ‘ulamā’ like Mawlānā Muḥammad Shafi, Mawlānā Kifāyat Ḥusayn, Dr. Ḥamīdullāh, and Mawlānā Muḥammad Akram Khān of East Pakistan were associated with the work of the Board. This Board remained in close touch with
the Basic Principles Committee of the Constituent Assembly. The latter consisted of the Western educated elite of the Constituent Assembly (majority of whom belonged to the Muslim League) who were quite eager to engraft a system of parliamentary democracy on the traditional Islamic political theory. Therefore, their views regarding the future constitution of Pakistan came into sharp conflict with those of the Ta‘alimât-e-Islâmîa Board which was unanimously in favour of giving absolute legislative veto to the proposed ‘ulamâ’ Board as the ultimate constitutional guardian of the Qur’ân and Sunnah.77 A cursory study of the B. C. P. Report (which was presented by Al-Hâjj Khawâja Nazimuddîn, the then Prime Minister of Pakistan) shows how greatly it was influenced by the recommendations of the Board. The report contained the suggestion of the Board to provide in the draft constitution for the creation of a Board of ‘ulamâ’ entrusted with authority to review all legislative Bills under consideration of the National or Provincial Assemblies in the light of the Qur’ân and Sunnah.78 However, this provision of the B. P. C. Report was construed by the liberal modernists as an ominous step towards theocracy, and a serious encroachment upon the democratic theory of sovereignty. There arose a tumultuous opposition to the idea of the ‘ulamâ’ Board. The advocates of ‘ijmâ’-modernism were in favour of investing the legislature with the power of reviewing the Bills in the light of the Qur’ân and Sunnah.79

The ‘ulamâ’ did not confine themselves to expounding their concept of Islamic constitution directly to the Constituent Assembly through the medium of the Board of Ta‘alimât-e-Islâmîa, they also resorted to a policy of concerted mobilization of mass opinion in favour of their constitutional demands. Another All-Pakistan ‘ulamâ’ Conference was called and the proposals for the amendments of the B. P. C. were adopted with usual unanimity of opinions. They demanded that the constitutional draft be amended in the light of their own proposed amendments in order to make it genuinely Islamic.80 By this time the ‘ulamâ’ had already become a very powerful “pressure group” in relation to the politics of constitution-making in Pakistan. One thing that may surprise any casual political observer is the fact that the ‘ulamâ’, in spite of their mutual theological differences, were ever willing to work out a consensus of opinion (‘ijmâ’) on all matters relating to Islamic constitutionalism.

The ‘Ulamâ’ and the Anti-Qâdiyânî agitation

The reason for this readiness of the ‘ulamâ’ to arrive at consensus of opinions is that they may differ among themselves only on the details
of doctrine, but on the fundamentals of faith they have always main-
tained unity of belief. Therefore, whenever any section of the community
deviates from the common understanding of the fundamentals, it is
invariably denounced and excommunicated as heretical by the ‘ulamā’.

In North-Western India, there appeared such a sect at Qādiyān
under the inspiration of Mirzā Ghulām Aḥmad who had declared
himself as an auxiliary prophet.81 His religious thought was primarily
concerned with the reconstruction of the fundamentals of the faith.
Since by merely assuming the role of a mujtahid, Mirzā Ghulām Aḥmad
could not achieve this purpose, therefore, taking the clue from the mahdawi
tradition,82 he declared himself a prophet. The Mirzā, at first, modified
the popular orthodox belief that Muhammad was the last of the prophets,
and asserted that the real meaning of the Qur’ānic expression “Khālim al-mursalin” was, in fact, “the seal of the prophets” and not
“the last of the prophets”.83 Another major revision of Islam that
the Mirzā sought to make was in relation to the obligation of waging
holy war (jihād).84 He asserted that jiḥād in the narrower sense
of fighting (qitāl) was no longer a compulsory duty on the part of the
Muslim community. By advancing this thesis, perhaps, he wanted
to dispel the popular conviction that British India was an Enemy Territory
dar al-Ḥarb) and instead of this, he popularised the belief that British
India was, in fact, Muslim Territory (dar al-Islām). For these reasons,
the creed of the Qādiyānī sect was repugnant to the Orthodox Islam.
In consequence of this, the Qādiyānīs were declared heretics by the
‘ulamā’. They came under heavy fire of the orthodox opinion particu-
larly after partition of India when the Qādiyānīs moved from their
permanent headquarters to Rabwa in Pakistan. During the course
of constitution-making, at one stage, the ‘ulamā’ demanded that the
Qādiyānī sect should be officially declared a religious minority since
they were not Muslims. They further demanded that a provision to
this effect should be made in the draft constitution of Pakistan.85 How-
ever, the B.P.C. Report did not contain any such provision, and as
such, the ‘ulamā’s’ demand was turned down. In reply to this the ‘ulamā’
resorted to the usual tactics of agitational politics in order to put pressure
upon the Government to accept their demand concerning the Qādiyānīs.
The other factors which aggravated the situation were, first, the weak
policy of the Prime Minister Khwāja Nāzimuddīn, and secondly, the
attitude of the political groups in the Punjab who were anxiously seeking
the support of the ‘ulamā’. This agitation ultimately led to the outbreak of
the Punjab disturbances. A judicial inquiry headed by the former Chief
Justice Munir was instituted to investigate the causes of the disturbances. The Munir Report is, in fact, a searching exposition of the disagreement of the ‘ulamā’ on many questions of theology and faith. The Report sarcastically observes that the ‘ulama” had miserably failed even to produce any commonly acceptable definition of a Muslim.

The ‘Ulamā’ and the question of Electorate

The other important constitutional issue on which the ‘ulamā’ had clashed with the Government was the issue of Joint versus Separate electorate in East Pakistan. At this stage, perhaps, it may not be out of place to mention that the ‘ulamā’ groups had been quite active in the national as well as provincial politics in East Pakistan. In addition to the Jamā‘at-e-Islāmī, Jamī‘at al ‘Ulamā’-e-Islām and Jamī‘at al-Ulama’-e-Pakistan, there were also other religio-political parties e.g. the Nizām-e-Islām, the Khilāfat-e-Rabbānī, and Tamaddun Majlis. Some of the prominent ‘ulamā’ of East Pakistan were also affiliated with either the Muslim League or the Awami League or the Krishok Sramik or Gonotantari-Dal. The ‘ulamā’ belonging to the former group pressed for ‘separate electorate’ in East Pakistan. However, the United Front of the Awami League, the KSP and the Gonotantari Dal with the sole exception of the Nizām-e-Islām was opposed to the idea of adopting separate electorate since they wanted ‘joint electorate’. The demand for the joint electorate was also supported by the Hindu leadership in East Pakistan. Ultimately the joint electorate was adopted in East Pakistan, and separate electorate in West Pakistan. This only reflected the loosening grip of traditionalism upon the intelligentsia; however, the religious orientation of the Muslim masses remained intact. The reason for this growing lack of interest in Islamic constitutionalism in East Pakistan may, perhaps, be explained with reference to an ever-increasing and ever-deepening consciousness of their ‘economic destiny’.

The ‘Ulamā’ and the new Constitution of Pakistan

Immediately after the abrogation of the late constitution in October, 1958, there could be noticed a growing apprehension in some circles that the revolutionary regime under Ayūb Khan would swing towards secularism. But these fears were soon allayed when Ayūb Khan in his public statements, made it quite clear that the Islamic ideology was the most essential element in the making of Pakistan. Therefore, it was almost a foregone conclusion that the new constitution of Pakistan was going to be based on the Islamic principles. At the earliest oppor-
President Mohammed Ayub Khan appointed a high-powered Commission on the Constitution of Pakistan which was headed by Mr. Shahabuddin, the former Chief Justice of Pakistan. The Commission prepared a Questionnaire for circulation in the public in order to ascertain the views of the different sections of the intelligentsia. The ‘ulama’ promptly convened a meeting of the representatives of the different religious groups at Jama‘ah-e-Ashrafiya, Lahore, with a view to consider the Questionnaire and formulate their unanimous opinions. Finally a well argued answer to the Questionnaire was submitted to the Constitution Commission under the signatures of the 19 leading ‘ulamā’ of the country. In their answer, the ‘ulamā’ objected seriously to the manner in which the question No. 34 relating to the Islamic provisions was formulated. Somehow, they got an impression that the Government was not genuinely interested in drafting a truly Islamic constitution, and therefore, they warned that the people of Pakistan would not hesitate to make any sacrifices for establishing an Islamic state, and a handful of highly Westernised officials cannot impose secularism against the wishes of the common people. According to them, the new constitution would be acceptable to the 85% of the Muslims of Pakistan, only if it contained all the Islamic provisions of the late Constitution.

The report of the Constitution Commission recommends that the new Constitution should incorporate the preamble of the late Constitution except its clause 3. The Commission also recommends that the Islamic provisions of the late Constitution (Articles 197 and 198) may be adopted with some modifications by the new Constitution. According to the Art. 198 of the old Constitution, “no law shall be enacted which is repugnant to the Injunctions of Islam as laid down in the Holy Qur‘ān and Sunnah hereinafter referred to as Injunctions of Islam, and existing laws shall be brought into conformity with such Injunctions. Under the late Constitution, this was, in fact, a major concession to the ‘ulamā’ in drafting the final text of the new Constitution. These recommendations of the Commission were disregarded, and the Islamic provisions were radically modified. The name of the Pakistan was no longer the Islamic Republic of Pakistan. After deleting the word ‘Islamic’ now in the text of the new Constitution, it remained only as “Republic of Pakistan.” The Article 198 was replaced by a simple provision—“No law shall be enacted which was repugnant to Islam”. In this article the expression ‘Islam’ without any reference to the Qur‘ān and Sunnah makes it too vague and indefinite, and opens up the gates of unrestricted ijtiḥād
in the sphere of legislation. These modifications were not at all palatable to the ‘ulamā’ of the country. Now under the pressure of their criticism, these provisions of the new Constitution have been amended and the old name of Pakistan as the Islamic Republic of Pakistan has been restored. Similarly, in the first principle of law-making now after the word ‘Islam’, the expression “the Qur’ān and Sunnah” has been added.100

According to the new Constitution, neither a Board of ‘ulamā’ nor the Supreme Court has been given the final authority to determine whether or not any Act of National or Provincial Assemblies was repugnant to Islam. This authority of interpretation remains with the respective legislatures. Therefore, we notice how the new Constitution, like the old one, preserves the ultimate sovereignty of the legislature quite in conformity with the theory of ijmā' modernism101. However, in Article 198 section 3, it was provided that the President shall appoint a Commission to recommend measures for bringing existing laws into conformity with the injunctions of Islam102, and perhaps keeping this in view, the new Constitution provides for the setting up of the Advisory Council of Islamic Ideology and the Islamic Research Institute.103 The government has already instituted the Advisory Council of Islamic Ideology and the existing Central Institute of Islamic Research has been reorganised and named Islamic Research Institute. Both these institutions have come under heavy fire of the ‘ulamā’, because their religious hegemony has not been recognised by the Government. The ‘ulamā’ have raised objection regarding the composition of the Council, because among its members, the ‘ulamā’ are outnumbered by modern scholars, and representatives of administration, law and banking. Similarly, they view the Islamic Research Institute with great suspicion, as they think that the Institute has been entrusted with the task of ‘modernising Islam.’ Of recent the ‘ulamā’ have been quite critical of the official views of the Institute on questions of ‘Interest’, ‘Family Law Reforms,’ ‘Family Planning,’ ‘Zakat Tax’, ‘Slaughter’ etc.104 On interest, recently there was published an article105 in which an attempt has been made to establish the thesis that in Islam ‘simple interest’ was permitted but ‘compound interest’ was made unlawful by the Islamic law. This interpretation, in fact, is an advance on the earlier interpretations of ‘Abdulh and Sayyid Ahmed Khan, according to whom ‘bank interest’ was not included within the definition of usury (ribā) as contained in the Qur’ān. Similarly, there appeared a series of interesting articles on the concepts of Sunnah, Ḥadīth, ijtiḥād and Ijmā' in which new interpretations have been expounded106. The
'ulamā' and other conservative elements could not digest such radical views, and therefore, they have made the Institute and its Director the target of their attack. It was Mawlawī Iḥtīshām al-Ḥaq who had come out with the public denunciation of the Institute’s research. However, the ‘ulamā’ have failed to provoke any marked public resentment against the Institute.

In addition to these institutions, there is the Islamic Academy in East Pakistan which is, in fact, a bulwark against the fanaticism of the ‘ulamā’. At Lahore the Institute of Islamic Culture is quietly producing literature on the progressive liberal interpretation of Islam in West Pakistan. But in spite of all this, it appears that the liberal-reformism of the new leadership in Pakistan has not been able, at least so far, to exert any marked influence on the minds of the rising intelligentsia within the portals of the educational institutions which are still the strongholds of the right-wing religio-political parties. Therefore, it may be concluded that the rising generation of Pakistani youth will continue to oscillate between uncompromising traditionalism and revolutionary communism.

The ‘Ulamā’ and Ghulām Ahmad Parvez

The other important religio-political movement in Pakistan that has come into direct conflict with the ‘ulamā’ is that of Ghulām Ahmad Parvez who has been editing a monthly magazine in Urdu entitled Tūlūw‘e-Islām (the Dawn of Islam). He is presently spearheading the movement for reformist-modernism in Islam. Parvez is the leading exponent of a special brand of modernism in Islam. He seeks his inspiration from Mawłānā Sayyid ‘Abd’l-lah Chakaralawi, Sayyid Ahmed Khan and ‘Allāma Iqbāl. He has not hesitated in exerting unrestricted ijtihād in reconstructing the Islamic beliefs. He has advanced an authoritarian interpretation of the traditional Islamic political theory in the modern context. He seriously doubts the authenticity of the traditions and rejects them as spurious and unhistorical. Naturally, he does not admit the concept of the Sunnah of the Prophet. Therefore, he aims at interpreting the Qur’ān without the aid of Sunnah. By dismissing the concept of Sunnah, Parvez paves the way for his modernising interpretation of Islam. In the sphere of political theory, he builds up a theory of ‘the total state.’ That he reads an uncompromising form of socialism into Islam is a consequence of this idea of the state. Interpreting the famous Qur’ānic verse, “Obey Allah, obey the Prophet, and those among you who are in authority,” Parvez observes than it
this verse, by Allah and Rasūl (prophet) is meant the Central Government of the Ummah, and he prefers to call it as *markaz-e-millat* (the centre of the community). Therefore, according to his interpretation, in this verse, the believers are exhorted to render obedience under all circumstances to the Central Government. In his view, the expression “those of you who are in authority” (*uli'l-amr*) means the bureaucracy of the Islamic state, and therefore, the Muslims are enjoined by God to obey “the officials” of the Islamic state. However, in case there may arise any conflict among the officials on any question, such matter should be referred to the Central Government for final decision which will be legally binding upon all the persons concerned. In an Islamic state, it is the Central Government that undertakes the responsibility of establishing prayers (*namāz*), imposing poor tax (*zakāt*) and collecting alms (*ṣadaqāt*). The Central Government is also competent to make changes in the details of prayers and in the rates of poor tax. The Annual Pilgrimage (*hajj*) for him is only an International Conference of the Muslim world. The killing of cattle on the occasion of pilgrimage has no sanctity except that it provides feast to the delegates of the Conference. Therefore, he regards killing of cattle as a colossal waste of national wealth. Heaven and Hell, according to him, are not “localities but only states of mind.” Adam is an allegorical expression denoting a stage in the evolution of human life which marks the beginning of ‘social life’ among mankind. Parvez has not only challenged the traditional concepts but also lashes a frontal attack upon the ‘ulamā’. Since obviously these views of Ghulām Aḥmad Parvez are contrary to the traditional understanding of Islam, he could attract only a small segment of the Muslims, particularly a few government officials, lawyers and politicians. The unit of ‘study circles’ have been organised all over Pakistan. In order to counter his growing popularity among the westernised elite, particularly Government circles, the ‘ulamā’ started an anti-Parvez campaign through the press, magazines and pamphlets. Gradually they intensified their opposition to Parvez and his ideas through the medium of speeches, sermons, and public denunciation. Ultimately, the representatives of different ‘ulamā’ groups got together in order to examine the views of Ghulām Aḥmad Parvez in the light of the Qur'ān and Sunnah. They arrived at the conclusion that his views on Islam were clearly against the fundamental tenets of Islam. They formulated their judgement in the form of a verdict (*fatwā*) in which they declared Ghulām Aḥmad Parvez guilty of gross blasphemy, and he was condemned to be a *mulhid, zindik* and *kāfir*. Mawlānā Mawdūdī and his
Jamā'at took a prominent part in organising public opposition against him. But, in spite of 'ulamā’s unanimous opposition, Ghulām Ahmād Parvez continues to command respect among a section of the westernised bureaucracy of Pakistan. But the masses including the bulk of literate people are still under the influence of the ‘ulamā’. Even the majority of the intelligentsia also does not favour Parvez’s radical transmutation of the fundamental concepts of Islam. Therefore, it may safely be asserted that his reformulations of Islamic concepts will be popular only within a limited circle of the upper strata of Pakistani bureaucracy.

_Mu'tamar-e-‘Alam-e-Islām (World Muslim Congress)_

The _Mu'tamar-e-‘Alam-e-Islām_ is an organisation exclusively devoted to promote the Unity of the Muslim World. Under its auspices there was organised recently an All-Pakistan *Mashāyakh* Conference which was attended by the prominent spiritual leaders of Pakistan. Spiritual leaders like Pir Sahib of Sarsina (East Pakistan) and Pir of Debal Sharif (West Pakistan) were present in the Conference. The Conference was inaugurated by Field-Marshall Moḥammad Ayūb Khan. This Conference was indeed a unique event in the world of Islam. It had brought all the *mashāyakh* and _pir_ of different spiritual orders (*silsilah*) on a common platform. This was in itself a great achievement. The sponsors of the Conference, keeping in view the traditional indifference of the _mashāyakh_ towards politics, endeavoured to persuade them to come out of their seclusion and give to the community the benefit of their organised spiritual leadership. There is no doubt that these spiritual leaders with their broad humanistic outlook can possibly play a more constructive and vital role in regenerating the spiritual resources of the Muslim community. Perhaps they can also bridge the yawning gap between the masses and the governing classes. This is all the more true in view of the fact that the ‘ulamā’ have miserably failed to give a constructive leadership to the Muslim masses, since they continue only to agitate the people in the name of Islam.

The ‘Ulamā’ and the Family Laws

The publication of the Report of the Commission on Marriage and Family Laws on June 20, 1956 caused a great commotion and a good deal of consternation among the ‘ulamā’ of the country. It marked the beginning of a never ending public disputation between the ‘ulamā’ and the advocates of the reform of the Muslim laws on marriage and family. The Commission on Marriage and Family Laws was appointed by the late Prime Minister, Mr. Moḥammad ‘Alī of Bogra, (East Pakistan) under
the constant pressure of the agitation launched by the All Pakistan Women's Association (popularly known as APWA, a leading feminist organisation). The occasion for the APWA agitation was decision of the Prime Minister to take a second wife in the presence of his first wife. The Commission was composed of seven members. Out of these three were the APWA leaders, two were modern scholars of Islam, and one was a lawyer from East Pakistan. The Commission was headed by Miān 'Abdul Rashid, former Chief Justice Mawlawī Iḥtishām al-Ḥaq acted as the adviser on matters relating to the Shari'ah. A questionnaire was prepared by the Commission for circulation among the people inviting the opinion of 'learned, liberal and enlightened persons on the problem of reformulating Muslim Laws on Marriage and Family.122

The report of the Commission emphasized the role of ijtihād (independent interpretation) in redefining the whole legal corpus of Islam in the light of modern conditions. Referring to the problem of adjusting Muslim laws to the flux of changes, the Report observes, "These changes require a modern approach, new rules of conduct, and fresh legislation in almost all spheres of life and a radical remodelling of the legal and judicial system."123 The report reflects a strong liberal-progressive interpretation of Muslim Laws on marriage and family. Mawlānā Iḥtishām al-Ḥaq, the adviser on the questions of Shari'at, did not agree with the majority report on many questions, and therefore, he preferred to append his dissenting note to the Report.124 This dissenting note of the Mawlānā and the Report's radicalism started off a big public debate on the contents of the Report. The Report came under heavy fire from the 'ulamā of the country. The Report was 'x-rayed'125 and condemned by the 'ulamā' as repugnant to the Qur'ān and Sunnah.126

No sooner was the old Constitution abrogated and Martial Law imposed in October 1958, than the APWA again started a fresh campaign demanding an early enactment on Marriage and Family laws. Therefore, in response to their demands, the Muslim Family Laws Ordinance of 1961 was promulgated. Once again the Ordinance was publicly denounced by the leading 'ulamā' as quite contrary to the Qur'ān and Sunnah. The 'ulamā' opposed particularly the idea of restricting polygamy, the registration of Nikāh (consummation of marriage contract), conciliation by the Union Councils (Basic Democracies) in divorce cases, and laws concerning inheritance.127

The 'ulamā' formulated their opinions in the form of a joint statement. The statement was signed by 209 'ulamā' belonging to different religious
groups e.g., Ahl al-Ḥadīth, Barellivis, Deobandis etc. The East Pakistan 'ulamā' condemned the Ordinance in an unequivocal language in a separate statement. The ‘ulamā’ of Peshawar region also issued a separate statement in condemnation of the Ordinance. The Central Majlis-e-Shūra of the Jamā‘at-e-Islāmī also strongly disapproved the Ordinance in its Resolution of August 16, 1962. In the National Assembly, a member of the House was persuaded by the ‘ulamā’ to move a private Bill for the repeal of the Muslim Family Ordinance. In protest the school girls staged a demonstration before the National Assembly. A statement was also issued by the ‘ulamā’, to the press, just after the Bill of repeal was admitted in the N.A. The Government ordered the immediate forfeiture of all copies of the statement. The ‘ulamā’ filed a writ petition against this order in the High Court. Ultimately, the order was withdrawn and the case was closed.

The ‘Ulamā’ after the Political Parties Act

After the enactment of the Political Parties Act, the first political party that appeared on the political scene was none else than the Jamā‘at-e-Islāmī. The Jamā‘at under the leadership of Mawlānā Mawdūdī championed the cause of restoring parliamentary democracy, justiciability of fundamental rights, introduction of universal adult franchise and direct election of the President, and the members of the National and Provincial Assemblies. The ‘ulamā’ in general have also expressed their views in favour of these points. The irony of the situation lies in the fact that although the Jamā‘at’s political philosophy can be realised only in a ‘total state’, yet they do not hesitate in demanding the early restoration of parliamentary form of government in Pakistan. In pressing its demands, the Jamā‘at has shown its ability to employ the tactics of modern opposition parties. In doing so, the Jamā‘at has also demonstrated a high degree of questionable political flexibility in their willingness to compromise ideals for achieving its immediate political objectives. Perhaps, their strategy in politics, of late, has been quite in conformity with the Leninist dictum: “One step backward, two steps forward.”

The Muslim League was also organised, but from the very beginning it was split into (1) the Council Muslim League of Khwājā Nāzīmuddīn, and (2) the Conventionist Muslim League of Choudhry Khaliquzzāmān. The position of the Council Muslim League has become weak partly because of its past failings and partly because of its weak party leadership, and also due to the lack of a definite party ideology. It was further weakened by the emergence of the NDF, the National Awamī Party,
the Awami League and the Nizām-e-Islām Party on the political scene of Pakistan.

In the beginning the affairs of the Conventionist Muslim League did not show any signs of hope. At some stage, it appeared that it will disintegrate sooner than one might expect, but the situation was saved by the timely election of Field-Marshal Moḥammad Ayūb Khan as its party leader. Its prestige has gone up in the public eyes. It is almost certain that the Pakistan Muslim League will be in a position to win the coming general elections in spite of the opposition parties. However, the only political party which could pose a real threat to the Pakistan Muslim League was the Jamā‘at. The Jamā‘at had a thoroughly well-knit organisation from top to bottom.

Its political ideology was clear, definite and attractive. Its leadership was monolithic. Mawlānā Mawdūdī was growing popular among the masses. He was extending his area of political activities beyond Pakistan. Therefore, he was able to attract the attention of the foreign governments, press and journals. It was under these circumstances that the Jamā‘at held its first post-revolutionary All-Pakistan Party Convention at Lahore (October 25-27, 1963). In the meanwhile, on the basis of some positive evidence in possession of the Government, the Minister of Home Affairs, Mr. Ḥabībullah Khān, publicly charged the Jamā‘at and its leaders for indulging in anti-state activities. Consequently, the Jamā‘at was declared unlawful, and all the members of its Central Shūrā along with the Amīrs of the local units were arrested by the Government. The actions of the provincial Government have been challenged in the law-courts. A large number of lawyers have volunteered their services to appear for the Jamā‘at before the Courts. Whatever may be the ultimate result of the case, it may be observed that although the Jamā‘at has officially ceased to exist, yet its ghost goes scot-free among the masses.

In the coming general elections, it is difficult to say how the ‘ulamā‘ are going to play their part as ‘opinion leaders’ of the masses. But one thing appears almost quite certain that a great many of these ‘ulamā‘ would prefer to associate themselves with the opposition political parties. At the time, it may also be observed that the Government party will also be able to muster the support of a section of the ‘ulamā‘ for their election campaign. As the election approaches, the ‘ulamā‘ will be dragged into the vortex of politics simply because of the fact that Islam will remain the focus of the election campaigns.
In conclusion it may be observed that the 'ulama' still constitute a formidable political force in Pakistan. They are fighting their ideological battle mainly on two fronts—(1) against a highly Westernised semi-secularised bureaucracy, and (2) against the liberal reformist leadership. Although the 'ulama' have never held political authority themselves, yet they have always demonstrated remarkable political awareness. Therefore, in practical politics, the 'ulama' still exercise great influence as a check against the governing classes. The secret of their success in this traditional role lies in their ability to arrive at some kind of 'working consensus of opinions' in moments of crisis on all vital issues of national politics, irrespective of their mutual differences on the details of religious doctrine. For this reason alone, whenever the situation demands, they are capable of acting as an organised body of opinion. They have successfully adopted modern methods of political organisation. However, in spite of all this, the 'ulama' as well as the Jamā'at do not constitute any immediate threat to the political ascendancy of the liberal-reformist leadership in Pakistan, so long as the latter enjoys the solid support of the bureaucracy and the armed forces. Therefore, the Jamā'at-e-Islāmī will not be able to bring about its much desired Islamic Revolution unless and until they are able to capture the bureaucracy and the armed forces; under the present circumstances it is impossible to imagine that such a situation can ever develop. However, if somehow the Jamā'at's workers are able to bring about such a revolution, then it will be the harbinger of a new type of ideological totalitarianism in the country. But at the same time it is necessary to sound a note of caution to the effect that if the forces of traditionalism and fundamentalism are completely crushed and uprooted, as it happened in Turkey, and the U.A.R., the country will positively relapse into an indefinite period of secular dictatorship.

With this background in mind, it may not be difficult to observe that the prospects for the survival of the advocates of the middle-of-the-path theory of liberal-reformism are not at all bright. They are destined to lose gradually in power and prestige unless they can forge a common platform and a progressive ideology. In fact their chance of remaining in the political saddle very much depends on their willingness to descend from their ivory tower and go down to the masses with integrity of character, sincerity of purpose and dedication to high ideals in politics.

At the end, it may be observed that the 'ulama' will continue to influence the course of politics in Pakistan so long as the percentage of
literacy remains low. But with the expansion of liberal education among
the masses, their grip over the mass opinion will gradually loosen. The
impact of industrialization, technology, science and mechanization
upon society has already set in motion new social forces which will bring
about a definite change in the religious outlook of the people. This
change in the religious outlook of the people together with the growing
popular urge for some kind of democratic process will adversely affect
the position of the 'ulamā' as "opinion leaders" and "interpreters" of the
religious law of Islam. But still all this is not going to happen soon,
it may take some time before the 'ulamā' cease to be a force in shaping
the destiny of the people of Pakistan.

NOTES

and others (Leyden: Late E. J. Brill Ltd. 1934. Vol. IV p. 994: for the details of the
etymology of the term 'ulamā' refer to Imām Rāghib Iṣfahānī, Mufradāt al-Qurʾān,
translated and annotated by Muḥammad Fallāḥ al-Ferozpurī (Lahore: Al-Maktābat-al-Qāsimiyah, 1969), pp. 635-638; see also Mawlānā Muḥammad 'Abd al-
Rashīd Nuʿmānī, Lughāt al-Qurʾān, Nadwat al-Muṣannīfīn, Urdu Bazār, Delhi,
1958, p. 344, the term occurs in the Qurʾān in 19: 15, 22: 16; according to 'Allāma
Aḥmad Feumī in his al-Misbāḥ al-Munir the term 'ulamā is the plural of 'ālim
and 'ulamīn is the plural of 'alimin but according to Qamīs 'ulamā is the plural of
'alim and 'ālim; see also a learned article "ulamā'-e-Islām ke aqlāb ki tārikh" by
Mawlānā Qāḍī Aṭhār Sāḥib Mubarakī, editor Al-Balāgh, Bombay, in Maʿārif,

2. Shah, Rev. Ahmed, Miftāḥ al-Qurʾān, Concordance of the Quran (Hanares; E. J.
Lazaraus & Co. 1926) p. 146, according to the author the expression 'ulamā' occurs
in Shuʿara II; 35-25
Fatir 4

3. Abī Dāwūd, Sunan, Edited by Muḥammad Muḥyuddin abī al-Ḥamīd, (Miṣr:
Al-maktabah al-tajjariyah al-kubrā, 1950) and Ed. Vol. III, Ch. 19 kitāb al-ʿilm,
No. 3641, 'Ālim is superior to the man who prays as the full moon is superior to all
the stars', and also the tradition, 'The 'ulamā are the successors of the prophets';
see also Ṣaḥīh Bukhārī, translated by Mirza Ḥayrat Dehlavi (Karachi, n.d.), Vol. I,
Ch. on Kitāb al-ʿilm. p. 27. Similarly these traditions can be found in other
collections.

4. The courses in Islamic learning are given in the renowned religious Seminaries all
over the Muslim world, but now-a-days the subject has been introduced at the
Universities of Pakistan. Only a few years back, the University of Karachi has
started a full-fledged Faculty of Islamic Learning.

5. Encyclopaedia of Islam, article on Fikh, pp. 102-107.
Specialization in any one particular field of study does not preclude general grounding in other related courses. The 'ulama' are known as such because of their special scholarly contributions in any one field.

Op. cit., Ma'arif, these are some of the titles which are conferred on the 'ulama' after having completed the course of study of different grades.

Ency. of Islam, p. 202, see also tyan, E. Histoire de l’Organisation Judiciaire en Pay d’Islam (Sirey, 1938), Tome premier; Vol. I, pp. 182-185. During the reign of Harun, Imam Abii Yusuf was appointed as the first Qadi al-Qudat. Some believe that the idea was borrowed from the Persian high priest who was known as Mobadh; in Muslim Spain the office of the Chief Justice was known as Qa‘i‘al-‘3ma‘ah.

Ibid., p. 519-522; see also Qureshi, I. H., The Administration of the Sultanate of Delhi, (Karachi; Pakistan Historical Society 1958), p. 190, hereinafter referred to as ASD.

Ibid., p. 158; see also Nizami, Khaliq Ahmad, Some Aspects of Religion and Politics in India. (Aligarh; Muslim University, 1961), p. 159.


Nizami, Religion and Political in India, p. 152, the author classifies 'Ulama' into two categories, namely, the 'ulama-i-akhirat and the 'ulama-i-duniya.

These are the different names by which the Muslim saints and divines are popularly known, for details see Shorter Ency. Islam, p. 580.


Qureshi, ASD, p. 51; See also Sources of Indian Traditions, p. 463.

A Shorter Ency. Islam, p. 599, see Nizami, RPI Chapter VII, compare the Chishtia attitude towards the state with the Suharwardi attitude towards the State; while the Chishtis maintained strict indifference towards politics, the Suharwardis consorted with kings, pp. 240, 248-256, another scholarly article by Sayyid Sabah al-Din ‘Abd al-Rahman, “Hindustan ka ‘salatin, ‘ulama’ aur mahajirik.”

Ibid., p. 51, particularly footnote No. 2, refers to Ghazzali’s dictum, “the kings rule over men and the ‘ulama’, rule over the kings” is a good evidence of the ‘ulama’s authority; see Unity and Variety in Muslim Civilization Ed. by von Grunebaum, G. (Chicago University Press, 1955) particularly an article “The Body Politic” by Cahen who feels tempted to refer to the growing power of the ‘ulama’ as “dictatorship of the learned, a dictatorship of the ‘ulama’.”

Rosenthal, E.I.J., The Evolution of Islamic Political Thought. See also an article by

23. See an article by Na'im Siddiqi "Mu'laq at-imân iqtidâr ke taht mahdûd madkhâbî munâsâb", Tarjuman al-Qur'ân, Vol. 56, No. 4, pp. 240-242, the writer brings out in detail how the 'ulamâ' were sought after by the rulers for their support in important political matters; in the sphere of legislation also the 'ulamâ' used to exercise their influence; in the matters concerning state policies, the rulers used to seek the fatâwâ of the 'ulamâ' in their favour.


25. The Holy Prophet Muḥammad was born at Mecca on the 29th August, 570 A.C. It is customary among the orthodox Muslims to celebrate this occasion with great solemnity by holding nocturnal assemblies which are addressed by the 'ulamâ'.

26. Wâz, is a general assembly of the believers in which the 'ulamâ' deliver speeches on different aspects of Islam with a view to exhort people to model their life in accordance with the injunctions of Islam.

27. Majlis is an assembly of men to commemorate the martyrdom of Ḥusayn, son of 'Ali, near Karbala. These are generally held during the month of muḥarram in which the great tragedy had occurred.

28. Munâzara, is a kind of public debate between the 'ulamâ' of different sects in which each party tries through logical argumentation to convince its adversaries.

29. Once a week on Friday afternoon, the Muslims collect at some central mosque to say their prayers in congregation in which the Imâm delivers the traditional sermon, but in addition to this, the imâm delivers his own sermon on Islam. 'Id al-Fitr is the day of rejoicing among the Muslims who have completed their fastings during the month of Ramadân. On this occasion too, it is customary to deliver a sermon on Islamic topics. After two months, comes the 'Id-al-Adha. On this day, people after having attended the mass, kill animals in memory of 'Ismâ'il.

30. The government has taken over the administration of Awqâf in Pakistan.


32. Ibid., vol. 3, Chapt. VI, Section 42, pp. 311-312.

33. Qur'ân IV: 58.


35. See my article "Shûrâ......" in the University Studies.

36. 'Amîl was the name of the zakât collector who was appointed by the ruler.

37. Kâtib means the scribe who used to act as the secretary to the Prophet Muḥammad.

38. See article by Schacht, "The Law", in Unity and Variety in Muslim Civilization, by Von Grunebaum, pp. 71-74.

39. See my article on "Shura......" pp. 46-47.

40. Ibid., p. 54.

About the 'ulamā' of medieval India, reference may be made to two important works in Urdu, viz. Mawlavi Raḥman ʿAli, Tazkira-i-'ulamā'-i-Hind, translated and edited by Muḥammad Ayyūb Qādri, (Karachi; Pakistan Historical Society, 1961); also Mawlānā Sayyid Muḥammad Miān, 'ulamā'-'i-Hind ka shandar maqāf (Delhi: M. Bros. n. d. 4 Vols. Among the recent works, reference has already been made to Nizāmī's RPI, S.M. Ikrrām's three volumes are also useful, viz. Rud-i-Kauthar, Abū-i-Kauthar and Mauj-i-Kauthar.

Rosenthal E.I.J., Evolution of Islamic Political Thought, p. 41, also article by Lenoard Binder as referred above.

Ikrām, S.M. Rud-i-Kauthar, pp. 95, 222-236, 417, also see chapter XVI 'Religious Tensions under the Mughal' in Sources of Indian Tradition, pp. 448-455, also see an article by I. H. Qureshi, "The Position of the Monarch in the Mughul Empire", in University Studies, the quarterly journal of Karachi University, referred above elsewhere, p. 10.

Ikrām, Rud-i-Kauthar, pp. 487-564 an article referred above in Ma'ārif, Azamgarh, India, Vol. 90 No. 1 July 1962 pp. 29-36.


Ibid., pp. 178-179.

Sunder Lal, 1857.


Ibid. pp. 207-208 Jamiʿat was founded in 1919, its first session was held on December 28, 1919, and the session was presided over by Mawlānā 'Abdul Bārī of Farangi Mahal; see Ikrām, Mauj-i-Kauthar, pp. 212-231: Smith, W. C., Modern Islam in India, (Lahore: Sh. Muhammad Ashraf, 1963, p. 222).

Smith, Modern Islam, p. 235.


See my doctoral dissertation referred above, Concept of Divine Sovereignty, p. 121; Mawlānā had written a pamphlet entitled Islam awr muttaḥidah Qumiyat in which he had expounded his former statement in Elṣān on 9 March, 1938; Mawlānā Mawdūdī, Musalan awr maujuda siyasi kashmakash, Lahore; Maktabah Jamāʿat-i-Islami, 1938, Vol. II, pp. 16-23; in this Mawlānā reproduces statement of 'nationalist 'ulamā'.

Sources of Indian Tradition, pp. 763-768.

Azād, Abul Kalam, Tarjumanal-Qurʾān, (Lahore: n.d.)

59. He was the President of the Shi'a organisation.

60. The anti-Shi'a movement was spearheaded by Mawlavi 'Abdul Shakur of Lucknow who was bringing out a journal known as al-Najm; but it is interesting to note the indifferent attitude of the 'ulama' of Farangi Mahal towards the Shi'a-Sunni controversy.

61. *Mu'min*, literally means 'believer' but in Indo-Pakistan, by this are known the class of 'weavers' among Muslims; the concentration of population was in Bihar and Eastern U.P., these *mu'min* sometimes use 'Ansari' after their names; see Smith, 257.

62. Mawlana 'Ata Allah Shah Bukhari was the chief leader of this group of 'ulama' of the Punjab; he was the fire brand orator who supported the idea of united India, for details see Smith, *Modern Islam in India*, pp. 252-257.


64. The innovators are those who believe in maintaining the corrupt practices which have crept into Islam, as such they are known as 'bid'ati'; on the other hand, the puritans are the fundamentalists who want to reshape the Muslim society on the basis of the original sources of Islam, therefore, they are also known as Wahhabis because of its similarities with the Wahhabi movement, in Najd; see Ikrar, *Mawjud-i-Kauthar*, p. 52.

65. See his article entitled "Nazriya-i-Pakistan aur 'ulama'" in the *Chiragh-i-Rah*, December, 1960, pp. 228-248 which is the most authentic exposition of the affairs of the Muslim League with the 'ulama'.

66. Ibid., pp. 235-239.

67. In English there has grown enough material on the Jam'at-i-Islami, see particularly Leonard Binder, *Religion and Politics in Pakistan*. (Berkley: California University, 1959); in Urdu see Muhammad Sarwar, Mawlana Maududi, ki Tahrir-i-Islami, (Lahore: Sindh Sagar Academy 1956) and for analysis see my doctoral thesis, Columbia University, 1960.

68. The founder of the movement was Mawlana Ilyas Ahmad of Delhi; now his son Mawlana Yusuf is heading the movement, see *Malfuzat-i-Ilyas Ahmad*.


72. Ibid., pp. 14-19.

73. Ibid.

74. *Sources of Indian Traditions*, pp. 842-843.

75. Ibid., pp. 861-864.


77. Ibid.


82. Qureshi, I. H., "The Monarch in the Mughul Empire", in University Studies of Karachi University, p. 7, a reference in the footnote no. 16.

83. According to orthodox belief, the Holy Prophet Muḥammad was the last of the prophets and after him there will be no prophets. The Shī'a also believe in this but at the same time they also believe that divine guidance will continue through the infallible imāms. Mīrzā Ghulām Aḥmed, by asserting that this expression meant only 'the seal of the prophets' construed that it did not imply that there will be no prophets. Using this argument, he proclaimed himself an auxiliary prophet.

84. According to orthodox Islam, Jihād is a collective obligation, but this was controverted by Mīrzā Ghulām Aḥmad who maintained that it was no longer an obligation, see Ikram, *Mawj-i-Kauthar*, pp. 191-192.

85. Callard, K., *Pakistan*, p. 204; see 'Ulama's Amendments, Schedule II, p. 28.


88. Nizām-i-Islām party is headed by Choudhry Mūhammad 'Ali, an ex-Prime Minister of Pakistan. His group had been able to capture some seats in both wings during the last elections under the new constitution. The other two groups have not much political influence; the Khilāfat-i-Rabbānī, consists of the group of Mr. Abul Hāshim, presently the Director of the Islamic Academy of Dacca and also member of the Advisory Council of Islamic Ideology.

89. Mawlānā Rāghib Āḥsan, Aṯhar 'Ali, and Bhashānī were with the Awami League (presently a new party known as National Awami Party has been organised with Bhashānī as its leader); Mawlānā Muḥammad Akram Khan, Mufti Din Muḥammad, and Zafar Ṭāḥi Uṯmānī were with the Muslim League.


93. Ibid., pp. 20-29.


95. Ibid., p. 254.

96. Ibid., pp. 253-254, see also Choudhury, G.W., *Democracy in Pakistan*, p. 16.

97. Ibid., pp. 253-254.

98. Ibid., p. 253.

On the 25th December, 1963, in the NA Fundamental Rights Bill was passed. Its text appeared in the *Dawn* dated the 28th Dec., 1963. According to clause B of this bill, "In the 4th Para in sub-para. (c) after the word "Islam", at the end, the words, "as set out in the Holy Qur'an and Sunnah" shall be added.


102. Ibid., p. 259.

103. Ibid., pp. 258-263.

104. See volumes of *Islamic Studies, Ummah*, and *Fikr-o-Nazar*, which are published by the Central Institute of Islamic Research, Karachi.

105. Fazlur Rahmān's article on *Ribā* in the *Fikr-o-Nazar*, later its English translation appeared in the *Islamic Studies*.


107. A section of the Press had indulged in slandering the Director of the Institute for his radicalism.

108. It is headed by Mawlānā Abul Hāshim, one time General Secretary of the Muslim League before partition.

109. Formerly it was headed by late Khalīfah ‘Abdul Hakīm, and after him Dr. M. M. Sharif, formerly Professor of Philosophy at Muslim University of Aligarh, was appointed its Director. The Institute is now headed by Dr. S. M. Ikrām.


111. A famous ahl-al-Qur'ān of the Punjab. The ahl-al-Qur'ān do not believe in all those Ḥadīth which were not in conformity with the text of the Qur'ān. For this reason they are also known as the Deniers of Ḥadīth (munkarān-i-Ḥadīth); see Ikrām *Maqāʾiṣ-i-Kauṭḥah*, p. 55.

112. Sayyid Ahmad Khan believed in the rational interpretation of Islam, and Ghulām Ahmad Parvez is also a rationalist.

113. He was inspired by ‘Alīmān Iqbal, perhaps, because of his idea of the reconstruction of the religious thought in Islam in the light of the modern requirements. In the beginning Parvez had introduced himself as the exponent of Iqbal.

114. Under Tulūʾi-ī-Islām Publication Series, many of his works were published, chief of these are *Maʿarif al-Qurʾān, Shuʿla-i-Mastūr*, and *Qurʾān Dastur-i-Pakistan*.


116. For these see his writings particularly *Lughāt al-Qurʾān*, vol. , p. 448 and other materials in the back number of the monthly journal, *Tulūʾi-ī-Islām*.

117. Parvez has been the fiercest enemy of mullahism.

118. ‘Ulamāʾ-i-Ummat kā Muttafaq Fatwa : Parvez kāfīr hai, published by the signatories, n.d.

119. Inamullah Khan is the Secretary-General of the Muʿtamar, its headquarters is located in Karachi, it publishes The *Muslim World*, a weekly magazine.

120. The Conference was held on 2, 3, 4 November, 1963 in Karachi, see the editorial and report of the Conference in the *Muslim World*, vol. I, No. 149, November, 1963, pp. 1-4-5.
121. As discussed earlier, the mashāyikh used to serve as the source of inspiration both to the subjects and the rulers.


123. Ibid., p. 41

124. Mawlānā's Note of Dissent was published separately in the Government Gazette.


126. Ibid., p. 251.


128. Ibid., pp. 44-48.

129. Ibid., pp. 49-54.

130. Ibid., pp. 55-56.

131. Ibid., pp. 67-72.